
SUBSTITUTE SENATE BILL 6436

State of Washington 59th Legislature 2006 Regular Session

By Senate Committee on Early Learning, K-12 & Higher Education
(originally sponsored by Senators McAuliffe, Schmidt, Rockefeller,
Eide, Weinstein and Pridemore)

READ FIRST TIME 01/23/06.

1 AN ACT Relating to transferring duties of the reconstituted state
2 board of education; amending RCW 28A.305.130, 28A.305.035, 28A.300.040,
3 28A.150.230, 28A.505.140, 28A.150.220, 28A.150.250, 28A.305.140,
4 28A.655.180, 28A.525.020, 28A.525.030, 28A.525.050, 28A.525.055,
5 28A.525.070, 28A.525.080, 28A.525.090, 28A.525.162, 28A.525.164,
6 28A.525.166, 28A.525.168, 28A.525.170, 28A.525.172, 28A.525.174,
7 28A.525.176, 28A.525.178, 28A.525.180, 28A.525.190, 28A.525.200,
8 28A.525.216, 28A.150.260, 28A.335.160, 28A.540.050, 28A.150.530,
9 28A.335.210, 28A.335.230, 28A.540.070, 28A.305.220, 28A.230.100,
10 28A.230.170, 28A.305.170, 28A.230.130, 28A.205.010, 28A.215.010,
11 28A.215.020, 28A.205.040, 28A.215.140, 28A.230.020, 28A.230.040,
12 28A.230.050, 28A.315.175, 28A.315.195, 28A.315.205, 28A.315.015,
13 28A.315.025, 28A.315.055, 28A.315.085, 28A.315.125, 28A.315.185,
14 28A.305.210, 28A.310.080, 28A.310.030, 28A.310.050, 28A.310.060,
15 28A.310.090, 28A.310.100, 28A.310.140, 28A.310.150, 28A.310.200,
16 28A.310.310, 28A.323.020, 28A.323.040, 28A.305.160, 28A.150.300,
17 28A.225.160, 28A.300.150, 28A.600.020, 28A.600.030, 28A.625.360,
18 28A.225.330, 28A.405.110, 28A.415.010, 28A.415.020, 28A.415.024,
19 28A.415.025, 28A.415.105, 28A.415.125, 28A.415.130, 28A.415.145,
20 28A.660.040, 28A.690.020, 28A.300.050, 28A.625.370, 28A.625.380,
21 28A.625.390, 28A.600.010, 28A.225.280, 28A.600.200, 28A.160.100,

1 28A.210.070, 28A.210.160, 28A.335.100, 28A.335.120, 28A.320.240,
2 28A.155.060, 28A.600.130, and 28A.650.015; reenacting and amending RCW
3 28A.330.100 and 28A.630.400; adding a new section to chapter 28A.525
4 RCW; adding a new section to chapter 28A.545 RCW; adding a new section
5 to chapter 28A.230 RCW; adding new sections to chapter 28A.300 RCW;
6 adding a new section to chapter 28A.600 RCW; adding a new section to
7 chapter 28A.405 RCW; creating new sections; recodifying RCW
8 28A.305.220, 28A.305.170, and 28A.305.160; decodifying RCW 28A.525.120,
9 28A.525.122, 28A.525.124, 28A.525.126, 28A.525.128, 28A.525.130,
10 28A.525.132, 28A.525.134, 28A.525.140, 28A.525.142, 28A.525.144,
11 28A.525.146, 28A.525.148, 28A.525.150, 28A.525.152, 28A.525.154,
12 28A.525.156, 28A.525.158, 28A.525.160, and 28A.525.182; repealing RCW
13 28A.310.020; providing an effective date; and providing expiration
14 dates.

15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

16 NEW SECTION. **Sec. 1.** In 2005, the legislature reconstituted the
17 state board of education to refocus its purpose; abolished the academic
18 achievement and accountability commission; and assigned policy and
19 rule-making authority for educator preparation and certification to the
20 professional educator standards board. The purpose of this act is to
21 address the remaining statutory responsibilities of the state board of
22 education held before 2005. The legislature finds that some duties
23 should be retained with the reconstituted board; many duties should be
24 transferred to other agencies or organizations, primarily but not
25 exclusively to the superintendent of public instruction; and some
26 duties should be repealed. This act also corrects statutes to
27 implement fully the transfer of responsibilities authorized in 2005.

28 **PART 1**

29 **NEW STATE BOARD OF EDUCATION**

30 NEW SECTION. **Sec. 101.** The legislature encourages the members of
31 the new state board of education to review the transfer of duties from
32 the state board to other entities made in this act and if any of the
33 duties that were transferred away from the state board are necessary
34 for the board to accomplish the purpose set out in this act then the

1 state board shall come back to the legislature to request those
2 necessary duties to be returned to the state board of education. The
3 state board of education is encouraged to make such a request by
4 January 15, 2007.

5 **Sec. 102.** RCW 28A.305.130 and 2005 c 497 s 104 are each amended to
6 read as follows:

7 The purpose of the state board of education is to improve student
8 academic achievement and personalize the educational experience for
9 every student. The state board shall provide advocacy, strategic
10 planning, and strategic oversight of the kindergarten through twelfth
11 grade education system, including accountability for student success
12 and student readiness for lifelong learning, both at entry and at exit
13 from the system. The state board shall adopt statewide policies that
14 promote achievement of the goals of RCW 28A.150.210; implement a
15 standards-based accountability system; and provide leadership in the
16 creation of an education system that respects the diverse cultures,
17 abilities, and learning styles of all students. In addition to any
18 other powers and duties as provided by law, the state board of
19 education shall:

20 (1) ~~((Until January 1, 2006, approve or disapprove the program of~~
21 ~~courses leading to teacher, school administrator, and school~~
22 ~~specialized personnel certification offered by all institutions of~~
23 ~~higher education within the state which may be accredited and whose~~
24 ~~graduates may become entitled to receive such certification.~~

25 (2) ~~Until January 1, 2006, conduct every five years a review of the~~
26 ~~program approval standards, including the minimum standards for~~
27 ~~teachers, administrators, and educational staff associates, to reflect~~
28 ~~research findings and assure continued improvement of preparation~~
29 ~~programs for teachers, administrators, and educational staff~~
30 ~~associates.~~

31 (3) ~~Until January 1, 2006, investigate the character of the work~~
32 ~~required to be performed as a condition of entrance to and graduation~~
33 ~~from any institution of higher education in this state relative to such~~
34 ~~certification as provided for in subsection (1) of this section, and~~
35 ~~prepare a list of accredited institutions of higher education of this~~
36 ~~and other states whose graduates may be awarded such certificates.~~

37 (4) ~~Until January 1, 2006:~~

1 ~~(a) Adopt rules to allow a teacher certification candidate to~~
2 ~~fulfill, in part, teacher preparation program requirements through work~~
3 ~~experience as a classified teacher's aide in a public school or private~~
4 ~~school meeting the requirements of RCW 28A.195.010. The rules shall~~
5 ~~include, but are not limited to, limitations based upon the recency of~~
6 ~~the teacher preparation candidate's teacher aide work experience, and~~
7 ~~limitations based on the amount of work experience that may apply~~
8 ~~toward teacher preparation program requirements under this chapter; and~~

9 ~~(b) Require that at the time of the individual's enrollment in a~~
10 ~~teacher preparation program, the supervising teacher and the building~~
11 ~~principal shall jointly provide to the teacher preparation program of~~
12 ~~the higher education institution at which the teacher candidate is~~
13 ~~enrolled, a written assessment of the performance of the teacher~~
14 ~~candidate. The assessment shall contain such information as determined~~
15 ~~by the state board of education and shall include: Evidence that at~~
16 ~~least fifty percent of the candidate's work as a classified teacher's~~
17 ~~aide was involved in instructional activities with children under the~~
18 ~~supervision of a certificated teacher and that the candidate worked a~~
19 ~~minimum of six hundred thirty hours for one school year; the type of~~
20 ~~work performed by the candidate; and a recommendation of whether the~~
21 ~~candidate's work experience as a classified teacher's aide should be~~
22 ~~substituted for teacher preparation program requirements. In~~
23 ~~compliance with such rules as may be established by the state board of~~
24 ~~education under this section, the teacher preparation programs of the~~
25 ~~higher education institution where the candidate is enrolled shall make~~
26 ~~the final determination as to what teacher preparation program~~
27 ~~requirements may be fulfilled by teacher aide work experience.~~

28 ~~(5) Until January 1, 2006, supervise the issuance of such~~
29 ~~certificates as provided for in subsection (1) of this section and~~
30 ~~specify the types and kinds of certificates necessary for the several~~
31 ~~departments of the common schools by rule or regulation in accordance~~
32 ~~with RCW 28A.410.010.~~

33 ~~(6)) Hold regularly scheduled meetings at such time and place~~
34 ~~within the state as the board shall determine and may hold such special~~
35 ~~meetings as may be deemed necessary for the transaction of public~~
36 ~~business((-));~~

37 ~~((+7)) (2) Form committees as necessary to effectively and~~
38 ~~efficiently conduct the work of the board((-));~~

1 ~~((8))~~ (3) Seek advice from the public and interested parties
2 regarding the work of the board~~((7))~~;

3 ~~((9))~~ (4) For purposes of statewide accountability~~((7, the board~~
4 ~~shall))~~:

5 (a) Adopt and revise performance improvement goals in reading,
6 writing, science, and mathematics, by subject and grade level, once
7 assessments in these subjects are required statewide; academic and
8 technical skills, as appropriate, in secondary career and technical
9 education programs; and student attendance, as the board deems
10 appropriate to improve student learning. The goals shall be consistent
11 with student privacy protection provisions of RCW 28A.655.090(7) and
12 shall not conflict with requirements contained in Title I of the
13 federal elementary and secondary education act of 1965, or the
14 requirements of the Carl D. Perkins vocational education act of 1998,
15 each as amended. The goals may be established for all students,
16 economically disadvantaged students, limited English proficient
17 students, students with disabilities, and students from
18 disproportionately academically underachieving racial and ethnic
19 backgrounds. The board may establish school and school district goals
20 addressing high school graduation rates and dropout reduction goals for
21 students in grades seven through twelve. The board shall adopt the
22 goals by rule. However, before each goal is implemented, the board
23 shall present the goal to the education committees of the house of
24 representatives and the senate for the committees' review and comment
25 in a time frame that will permit the legislature to take statutory
26 action on the goal if such action is deemed warranted by the
27 legislature;

28 (b) Identify the scores students must achieve in order to meet the
29 standard on the Washington assessment of student learning and, for high
30 school students, to obtain a certificate of academic achievement. The
31 board shall also determine student scores that identify levels of
32 student performance below and beyond the standard. The board shall
33 consider the incorporation of the standard error of measurement into
34 the decision regarding the award of the certificates. The board shall
35 set such performance standards and levels in consultation with the
36 superintendent of public instruction and after consideration of any
37 recommendations that may be developed by any advisory committees that
38 may be established for this purpose. The initial performance standards

1 and any changes recommended by the board in the performance standards
2 for the tenth grade assessment shall be presented to the education
3 committees of the house of representatives and the senate by November
4 30th of the school year in which the changes will take place to permit
5 the legislature to take statutory action before the changes are
6 implemented if such action is deemed warranted by the legislature. The
7 legislature shall be advised of the initial performance standards and
8 any changes made to the elementary level performance standards and the
9 middle school level performance standards;

10 (c) Adopt objective, systematic criteria to identify successful
11 schools and school districts and recommend to the superintendent of
12 public instruction schools and districts to be recognized for two types
13 of accomplishments, student achievement and improvements in student
14 achievement. Recognition for improvements in student achievement shall
15 include consideration of one or more of the following accomplishments:

16 (i) An increase in the percent of students meeting standards. The
17 level of achievement required for recognition may be based on the
18 achievement goals established by the legislature and by the board under
19 (a) of this subsection;

20 (ii) Positive progress on an improvement index that measures
21 improvement in all levels of the assessment; and

22 (iii) Improvements despite challenges such as high levels of
23 mobility, poverty, English as a second language learners, and large
24 numbers of students in special populations as measured by either the
25 percent of students meeting the standard, or the improvement index.
26 When determining the baseline year or years for recognizing individual
27 schools, the board may use the assessment results from the initial
28 years the assessments were administered, if doing so with individual
29 schools would be appropriate;

30 (d) Adopt objective, systematic criteria to identify schools and
31 school districts in need of assistance and those in which significant
32 numbers of students persistently fail to meet state standards. In its
33 deliberations, the board shall consider the use of all statewide
34 mandated criterion-referenced and norm-referenced standardized tests;

35 (e) Identify schools and school districts in which state
36 intervention measures will be needed and a range of appropriate
37 intervention strategies after the legislature has authorized a set of
38 intervention strategies. After the legislature has authorized a set of

1 intervention strategies, at the request of the board, the
2 superintendent shall intervene in the school or school district and
3 take corrective actions. This chapter does not provide additional
4 authority for the board or the superintendent of public instruction to
5 intervene in a school or school district;

6 (f) Identify performance incentive systems that have improved or
7 have the potential to improve student achievement;

8 (g) Annually review the assessment reporting system to ensure
9 fairness, accuracy, timeliness, and equity of opportunity, especially
10 with regard to schools with special circumstances and unique
11 populations of students, and a recommendation to the superintendent of
12 public instruction of any improvements needed to the system; and

13 (h) Include in the biennial report required under RCW 28A.305.035,
14 information on the progress that has been made in achieving goals
15 adopted by the board(~~(-)~~);

16 ~~((+10))~~ (5) Accredite, subject to such accreditation standards and
17 procedures as may be established by the state board of education, all
18 private schools that apply for accreditation, and approve, subject to
19 the provisions of RCW 28A.195.010, private schools carrying out a
20 program for any or all of the grades kindergarten through twelve:
21 PROVIDED, That no private school may be approved that operates a
22 kindergarten program only: PROVIDED FURTHER, That no ~~((public or))~~
23 private schools shall be placed upon the list of accredited schools so
24 long as secret societies are knowingly allowed to exist among its
25 students by school officials(~~(- PROVIDED FURTHER, That the state board~~
26 ~~may elect to require all or certain classifications of the public~~
27 ~~schools to conduct and participate in such preaccreditation examination~~
28 ~~and evaluation processes as may now or hereafter be established by the~~
29 ~~board.~~

30 ~~(11) Make rules and regulations governing the establishment in any~~
31 ~~existing nonhigh school district of any secondary program or any new~~
32 ~~grades in grades nine through twelve. Before any such program or any~~
33 ~~new grades are established the district must obtain prior approval of~~
34 ~~the state board.~~

35 ~~(12) Prepare such outline of study for the common schools as the~~
36 ~~board shall deem necessary, and in conformance with legislative~~
37 ~~requirements, and prescribe such rules for the general government of~~

1 ~~the common schools, as shall seek to secure regularity of attendance,~~
2 ~~prevent truancy, secure efficiency, and promote the true interest of~~
3 ~~the common schools.~~

4 ~~(13) Continuously reevaluate courses and other requirements and~~
5 ~~adopt and enforce regulations within the common schools so as to meet~~
6 ~~the educational needs of students.~~

7 ~~(14) Evaluate course of study requirements and))~~;

8 (6) Articulate with the institutions of higher education, work
9 force representatives, and early learning policymakers and providers to
10 coordinate and unify the work of the public school system((-));

11 ~~((15) Carry out board powers and duties relating to the~~
12 ~~organization and reorganization of school districts.~~

13 ~~(16) Hear and decide appeals as otherwise provided by law.~~

14 ~~(17) Promulgate information and rules dealing with the prevention~~
15 ~~of child abuse for purposes of curriculum use in the common schools.~~

16 ~~(18))~~ (7) Hire an executive director and an administrative
17 assistant to reside in the office of the superintendent of public
18 instruction for administrative purposes. Any other personnel of the
19 board shall be appointed as provided by RCW 28A.300.020. The executive
20 director, administrative assistant, and all but one of the other
21 personnel of the board are exempt from civil service, together with
22 other staff as now or hereafter designated as exempt in accordance with
23 chapter 41.06 RCW((-)); and

24 ~~((19))~~ (8) Adopt a seal that shall be kept in the office of the
25 superintendent of public instruction.

26 **Sec. 103.** RCW 28A.305.035 and 2005 c 497 s 103 are each amended to
27 read as follows:

28 (1) By October 15th of each even-numbered year, the state board of
29 education and the professional educator standards board shall submit a
30 joint report to the legislative education committees, the governor, and
31 the superintendent of public instruction. The report shall address the
32 progress the boards have made and the obstacles they have encountered,
33 individually and collectively, in the work of achieving the goals in
34 RCW 28A.150.210.

35 (2) The state board of education shall include the chairs and
36 ranking minority members of the legislative education committees in

1 board communications so that the legislature can be kept apprised of
2 the discussions and proposed actions of the board.

3 **Sec. 104.** RCW 28A.300.040 and 2005 c 360 s 6 are each amended to
4 read as follows:

5 In addition to any other powers and duties as provided by law, the
6 powers and duties of the superintendent of public instruction shall be:

7 (1) To have supervision over all matters pertaining to the public
8 schools of the state;

9 (2) To report to the governor and the legislature such information
10 and data as may be required for the management and improvement of the
11 schools;

12 (3) To prepare and have printed such forms, registers, courses of
13 study, rules for the government of the common schools, and such other
14 material and books as may be necessary for the discharge of the duties
15 of teachers and officials charged with the administration of the laws
16 relating to the common schools, and to distribute the same to
17 educational service district superintendents;

18 (4) To travel, without neglecting his or her other official duties
19 as superintendent of public instruction, for the purpose of attending
20 educational meetings or conventions, of visiting schools, and of
21 consulting educational service district superintendents or other school
22 officials;

23 (5) To prepare and from time to time to revise a manual of the
24 Washington state common school code, copies of which shall be provided
25 in such numbers as determined by the superintendent of public
26 instruction at no cost to those public agencies within the common
27 school system and which shall be sold at approximate actual cost of
28 publication and distribution per volume to all other public and
29 nonpublic agencies or individuals, said manual to contain Titles 28A
30 and 28C RCW, rules related to the common schools, and such other matter
31 as the state superintendent or the state board of education shall
32 determine. Proceeds of the sale of such code shall be transmitted to
33 the public printer who shall credit the state superintendent's account
34 within the state printing plant revolving fund by a like amount;

35 ~~(6) ((To act as ex officio member and the chief executive officer~~
36 ~~of the state board of education;~~

1 ~~(7)~~) To file all papers, reports and public documents transmitted
2 to the superintendent by the school officials of the several counties
3 or districts of the state, each year separately. Copies of all papers
4 filed in the superintendent's office, and the superintendent's official
5 acts, may, or upon request, shall be certified by the superintendent
6 and attested by the superintendent's official seal, and when so
7 certified shall be evidence of the papers or acts so certified to;

8 ~~((8))~~ (7) To require annually, on or before the 15th day of
9 August, of the president, manager, or principal of every educational
10 institution in this state, a report as required by the superintendent
11 of public instruction; and it is the duty of every president, manager,
12 or principal, to complete and return such forms within such time as the
13 superintendent of public instruction shall direct;

14 ~~((9))~~ (8) To keep in the superintendent's office a record of all
15 teachers receiving certificates to teach in the common schools of this
16 state;

17 ~~((10))~~ (9) To issue certificates as provided by law;

18 ~~((11))~~ (10) To keep in the superintendent's office at the capital
19 of the state, all books and papers pertaining to the business of the
20 superintendent's office, and to keep and preserve in the
21 superintendent's office a complete record of statistics, as well as a
22 record of the meetings of the state board of education;

23 ~~((12))~~ (11) With the assistance of the office of the attorney
24 general, to decide all points of law which may be submitted to the
25 superintendent in writing by any educational service district
26 superintendent, or that may be submitted to the superintendent by any
27 other person, upon appeal from the decision of any educational service
28 district superintendent; and the superintendent shall publish his or
29 her rulings and decisions from time to time for the information of
30 school officials and teachers; and the superintendent's decision shall
31 be final unless set aside by a court of competent jurisdiction;

32 ~~((13))~~ (12) To administer oaths and affirmations in the discharge
33 of the superintendent's official duties;

34 ~~((14))~~ (13) To deliver to his or her successor, at the expiration
35 of the superintendent's term of office, all records, books, maps,
36 documents and papers of whatever kind belonging to the superintendent's
37 office or which may have been received by the superintendent's for the
38 use of the superintendent's office;

1 (d) Determine the allocation of staff time, whether certificated or
2 classified;

3 (e) Establish final curriculum standards consistent with law and
4 rules (~~and regulations of the state board of education~~) of the
5 superintendent of public instruction, relevant to the particular needs
6 of district students or the unusual characteristics of the district,
7 and ensuring a quality education for each student in the district; and

8 (f) Evaluate teaching materials, including text books, teaching
9 aids, handouts, or other printed material, in public hearing upon
10 complaint by parents, guardians or custodians of students who consider
11 dissemination of such material to students objectionable.

12 **Sec. 202.** RCW 28A.505.140 and 1990 c 33 s 422 are each amended to
13 read as follows:

14 (1) Notwithstanding any other provision of law, the superintendent
15 of public instruction (~~is hereby directed to promulgate~~) shall adopt
16 such rules (~~and regulations~~) as will (~~insure~~) ensure proper
17 budgetary procedures and practices, including monthly financial
18 statements consistent with the provisions of RCW 43.09.200, and this
19 chapter.

20 (2) If the superintendent of public instruction determines upon a
21 review of the budget of any district that said budget does not comply
22 with the budget procedures established by this chapter or by rules
23 (~~and regulations promulgated~~) adopted by the superintendent of public
24 instruction, or the provisions of RCW 43.09.200, the superintendent
25 shall give written notice of this determination to the board of
26 directors of the local school district.

27 (3) The local school district, notwithstanding any other provision
28 of law, shall, within thirty days from the date the superintendent of
29 public instruction issues a notice pursuant to subsection (2) of this
30 section, submit a revised budget which meets the requirements of RCW
31 43.09.200, this chapter, and the rules (~~and regulations~~) of the
32 superintendent of public instruction(~~:- PROVIDED, That if the district~~
33 ~~fails or refuses to submit a revised budget which in the determination~~
34 ~~of the superintendent of public instruction meets the requirements of~~
35 ~~RCW 43.09.200, this chapter, and the rules and regulations of the~~
36 ~~superintendent of public instruction, the matter shall be submitted to~~

1 ~~the state board of education, which board shall meet and adopt a~~
2 ~~financial plan which shall be in effect until a budget can be adopted~~
3 ~~and submitted by the district in compliance with this section)).~~

4 **Sec. 203.** RCW 28A.150.220 and 1993 c 371 s 2 are each amended to
5 read as follows:

6 (1) Satisfaction of the basic education program requirements
7 identified in RCW 28A.150.210 shall be considered to be implemented by
8 the following program:

9 (a) Each school district shall make available to students enrolled
10 in kindergarten at least a total instructional offering of four hundred
11 fifty hours. The program shall include instruction in the essential
12 academic learning requirements under RCW (~~(28A.630.885)~~) 28A.655.070
13 and such other subjects and such activities as the school district
14 shall determine to be appropriate for the education of the school
15 district's students enrolled in such program;

16 (b) Each school district shall make available to students enrolled
17 in grades one through twelve, at least a district-wide annual average
18 total instructional hour offering of one thousand hours. The state
19 board of education may define alternatives to classroom instructional
20 time for students in grades nine through twelve enrolled in alternative
21 learning experiences. The state board of education shall establish
22 rules to determine annual average instructional hours for districts
23 including fewer than twelve grades. The program shall include the
24 essential academic learning requirements under RCW (~~(28A.630.885)~~)
25 28A.655.070 and such other subjects and such activities as the school
26 district shall determine to be appropriate for the education of the
27 school district's students enrolled in such group;

28 (c) If the essential academic learning requirements include a
29 requirement of languages other than English, the requirement may be met
30 by students receiving instruction in one or more American Indian
31 languages.

32 (2) Nothing contained in subsection (1) of this section shall be
33 construed to require individual students to attend school for any
34 particular number of hours per day or to take any particular courses.

35 (3) Each school district's kindergarten through twelfth grade basic
36 educational program shall be accessible to all students who are five
37 years of age, as provided by RCW 28A.225.160, and less than twenty-one

1 years of age and shall consist of a minimum of one hundred eighty
2 school days per school year in such grades as are conducted by a school
3 district, and one hundred eighty half-days of instruction, or
4 equivalent, in kindergarten: PROVIDED, That effective May 1, 1979, a
5 school district may schedule the last five school days of the one
6 hundred and eighty day school year for noninstructional purposes in the
7 case of students who are graduating from high school, including, but
8 not limited to, the observance of graduation and early release from
9 school upon the request of a student, and all such students may be
10 claimed as a full time equivalent student to the extent they could
11 otherwise have been so claimed for the purposes of RCW 28A.150.250 and
12 28A.150.260.

13 (4) The (~~state board of education~~) superintendent of public
14 instruction shall adopt rules to implement and ensure compliance with
15 the program requirements imposed by this section, RCW 28A.150.250 and
16 28A.150.260, and such related supplemental program approval
17 requirements as the (~~state board~~) superintendent may establish.

18 **Sec. 204.** RCW 28A.150.250 and 1990 c 33 s 107 are each amended to
19 read as follows:

20 From those funds made available by the legislature for the current
21 use of the common schools, the superintendent of public instruction
22 shall distribute annually as provided in RCW 28A.510.250 to each school
23 district of the state operating a program approved by the state board
24 of education an amount which, when combined with an appropriate portion
25 of such locally available revenues, other than receipts from federal
26 forest revenues distributed to school districts pursuant to RCW
27 28A.520.010 and 28A.520.020, as the superintendent of public
28 instruction may deem appropriate for consideration in computing state
29 equalization support, excluding excess property tax levies, will
30 constitute a basic education allocation in dollars for each annual
31 average full time equivalent student enrolled, based upon one full
32 school year of one hundred eighty days, except that for kindergartens
33 one full school year shall be one hundred eighty half days of
34 instruction, or the equivalent as provided in RCW 28A.150.220.

35 Basic education shall be considered to be fully funded by those
36 amounts of dollars appropriated by the legislature pursuant to RCW
37 28A.150.250 and 28A.150.260 to fund those program requirements

1 identified in RCW 28A.150.220 in accordance with the formula and ratios
2 provided in RCW 28A.150.260 and those amounts of dollars appropriated
3 by the legislature to fund the salary requirements of RCW 28A.150.100
4 and 28A.150.410.

5 Operation of a program approved by the state board of education,
6 for the purposes of this section, shall include a finding that the
7 ratio of students per classroom teacher in grades kindergarten through
8 three is not greater than the ratio of students per classroom teacher
9 in grades four and above for such district: PROVIDED, That for the
10 purposes of this section, "classroom teacher" shall be defined as an
11 instructional employee possessing at least a provisional certificate,
12 but not necessarily employed as a certificated employee, whose primary
13 duty is the daily educational instruction of students: PROVIDED
14 FURTHER, That the state board of education shall adopt rules and
15 regulations to insure compliance with the student/teacher ratio
16 provisions of this section, and such rules and regulations shall allow
17 for exemptions for those special programs and/or school districts which
18 may be deemed unable to practicably meet the student/teacher ratio
19 requirements of this section by virtue of a small number of students.

20 If a school district's basic education program fails to meet the
21 basic education requirements enumerated in RCW 28A.150.250,
22 28A.150.260, and 28A.150.220, (~~the state board of education shall~~
23 ~~require~~) the superintendent of public instruction (~~to~~) shall
24 withhold state funds in whole or in part for the basic education
25 allocation until program compliance is assured: PROVIDED, That the
26 (~~state board of education~~) superintendent of public instruction may
27 waive this requirement in the event of substantial lack of classroom
28 space.

29 **Sec. 205.** RCW 28A.305.140 and 1990 c 33 s 267 are each amended to
30 read as follows:

31 The (~~state board of education~~) superintendent of public
32 instruction may grant waivers to school districts from the provisions
33 of RCW 28A.150.200 through 28A.150.220 on the basis that such waiver or
34 waivers are necessary to implement successfully a local plan to provide
35 for all students in the district an effective education system that is
36 designed to enhance the educational program for each student. The

1 local plan may include alternative ways to provide effective
2 educational programs for students who experience difficulty with the
3 regular education program.

4 The (~~state board~~) superintendent of public instruction shall
5 adopt criteria to evaluate the need for the waiver or waivers.

6 NEW SECTION. Sec. 206. (1) As the governor's steering committee
7 for the comprehensive education study created under chapter 496, Laws
8 of 2005 continues the study of the state funding of public education in
9 Washington and makes final recommendations, the legislature strongly
10 encourages the steering committee to carefully examine whether the use
11 of inputs, such as the number of instructional hours, the number of
12 instructional days, and student/teacher ratios, is the most efficient
13 and effective funding system that is oriented toward student
14 achievement and whether any changes to the current method of allocating
15 funds can be created to implement the intent of education reform that
16 all children can learn.

17 (2) This section expires July 1, 2007.

18 **Sec. 207.** RCW 28A.655.180 and 1995 c 208 s 1 are each amended to
19 read as follows:

20 (1) The (~~state board of education, where appropriate, or the~~)
21 superintendent of public instruction(~~, where appropriate,~~) may grant
22 waivers to districts from the provisions of statutes or rules relating
23 to: The length of the school year; student-to-teacher ratios; and
24 other administrative rules that in the opinion of the state board of
25 education or the opinion of the superintendent of public instruction
26 may need to be waived in order for a district to implement a plan for
27 restructuring its educational program or the educational program of
28 individual schools within the district.

29 (2) School districts may use the application process in RCW
30 28A.305.140 (~~or 28A.300.138~~) to apply for the waivers under
31 subsection (1) of this section.

32 (~~(3) The joint select committee on education restructuring shall~~
33 ~~study which waivers of state laws or rules are necessary for school~~
34 ~~districts to implement education restructuring. The committee shall~~
35 ~~study whether the waivers are used to implement specific essential~~
36 ~~academic learning requirements and student learning goals. The~~

1 ~~committee shall study the availability of waivers under the schools for~~
2 ~~the twenty first century program created by chapter 525, Laws of 1987,~~
3 ~~and the use of those waivers by schools participating in that program.~~
4 ~~The committee shall also study the use of waivers authorized under RCW~~
5 ~~28A.305.140. The committee shall report its findings to the~~
6 ~~legislature by December 1, 1997.)~~)

7 **PART 3**

8 **SCHOOL FACILITIES AND ORGANIZATION**

9 **Sec. 301.** RCW 28A.525.020 and 1969 ex.s. c 223 s 28A.47.060 are
10 each amended to read as follows:

11 The ~~((state board of education))~~ superintendent of public
12 instruction, with recommendations from the school facilities citizen
13 advisory panel, shall have the power and ~~((it shall be its))~~ duty (1)
14 to prescribe rules ~~((and regulations))~~ governing the administration,
15 control, terms, conditions, and disbursements of allotments to school
16 districts to assist them in providing school plant facilities; (2) to
17 approve allotments to districts that apply for state assistance
18 whenever ~~((the board deems))~~ such action is advisable ~~((and in so doing~~
19 ~~to give due consideration to the findings, reports, and recommendations~~
20 ~~of the superintendent of public instruction pertaining thereto))~~; (3)
21 to authorize the payment of approved allotments by warrant of the state
22 treasurer; and (4) in the event that the amount of state assistance
23 applied for exceeds the funds available for such assistance during any
24 biennium, to make allotments on the basis of the urgency of need for
25 school facilities in the districts that apply for assistance and/or to
26 prorate allotments among such districts in conformity with applicable
27 procedures and ~~((regulations applicable thereto which shall be~~
28 ~~established by the state board))~~ rules.

29 **Sec. 302.** RCW 28A.525.030 and 1995 c 77 s 23 are each amended to
30 read as follows:

31 Whenever funds are appropriated for modernization of existing
32 school facilities, the ~~((state board of education))~~ superintendent of
33 public instruction, with recommendations from the school facilities
34 citizen advisory panel, is authorized to approve the use of such funds
35 for modernization of existing facilities, modernization being limited

1 to major structural changes in such facilities and, as necessary to
2 bring such facilities into compliance with the barrier free access
3 requirements of section 504 of the federal rehabilitation act of 1973
4 (29 U.S.C. Sec. 706) and rules implementing the act, both major and
5 minor structural changes, and may include as incidental thereto the
6 replacement of fixtures, fittings, furnishings and service systems of
7 a building in order to bring it up to a contemporary state consistent
8 with the needs of changing educational programs. The allocation of
9 such funds shall be made upon the same basis as funds used for the
10 financing of a new school plant project utilized for a similar purpose.

11 **Sec. 303.** RCW 28A.525.050 and 1969 ex.s. c 223 s 28A.47.080 are
12 each amended to read as follows:

13 All applications by school districts for state assistance in
14 providing school plant facilities shall be made to the superintendent
15 of public instruction (~~((in conformity with rules and regulations which
16 shall be prescribed by the state board of education))~~). Studies and
17 surveys shall be conducted by the (~~((aforesaid officer))~~) superintendent
18 for the purpose of securing information relating to (1) the kind and
19 extent of the school plant facilities required and the urgency of need
20 for such facilities in districts that seek state assistance, (2) the
21 ability of such districts to provide capital outlay funds by local
22 effort, (3) the need for improvement of school administrative units and
23 school attendance areas among or within such districts, and (4) any
24 other pertinent matters. Recommendations respecting action on the
25 (~~((aforesaid))~~) applications shall be submitted to the (~~((state board of
26 education by the))~~) superintendent of public instruction (~~((together with
27 such reports of the findings, studies, and surveys made by said officer
28 as may be required by the state board))~~).

29 **Sec. 304.** RCW 28A.525.055 and 1994 c 219 s 11 are each amended to
30 read as follows:

31 The (~~((state board of education,))~~) rules adopted by the
32 superintendent of public instruction for (~~((purposes of))~~) determining
33 eligibility for state assistance for new construction(~~((,))~~) shall
34 (~~((adopt rules excluding))~~) exclude from the inventory of available
35 educational space those spaces that have been constructed for

1 educational and community activities from grants received from other
2 public or private entities.

3 **Sec. 305.** RCW 28A.525.070 and 1985 c 136 s 1 are each amended to
4 read as follows:

5 The superintendent of public instruction shall furnish ~~((1))~~ to
6 school districts seeking state assistance consultatory and advisory
7 service in connection with the development of school building programs
8 and the planning of school plant facilities for such district~~((, and~~
9 ~~(2) to the state board of education such service as may be required by~~
10 ~~the board in the exercise of the powers and the performance of the~~
11 ~~duties vested in and required to be performed by the board))~~.

12 **Sec. 306.** RCW 28A.525.080 and 1969 ex.s. c 223 s 28A.47.120 are
13 each amended to read as follows:

14 Insofar as is permissible under acts of congress, funds made
15 available by the federal government for the purpose of assisting school
16 districts in providing school plant facilities shall be made available
17 to such districts in conformity with rules ~~((and regulations which))~~
18 that the ((state board of education)) superintendent, with
19 recommendations from the school facilities citizen advisory panel,
20 shall establish.

21 **Sec. 307.** RCW 28A.525.090 and 1999 c 313 s 2 are each amended to
22 read as follows:

23 (1) The ~~((state board of education))~~ superintendent of public
24 instruction, with recommendations from the school facilities citizen
25 advisory panel, shall adopt rules for appropriate use of the following
26 construction management techniques: Value engineering,
27 constructibility review, building commissioning, and construction
28 management. Rules adopted under this section shall:

- 29 (a) Define each technique as it applies to school buildings;
30 (b) Describe the scope of work for each technique;
31 (c) Define the timing for implementing each technique in the
32 construction process;
33 (d) Determine the appropriate size of projects for the use of each
34 technique; and

1 (e) Determine standards for qualification and performance for each
2 technique.

3 (2) Except as provided in rules adopted under subsection (1)(d) of
4 this section, in allocating state moneys provided under this chapter,
5 the state board of education shall include in funding for each project,
6 at the state matching percentage, the cost of each of the construction
7 management techniques listed in subsection (1) of this section.

8 (3) When assigning priority and allocating state funds for
9 construction of common school facilities, the (~~state board of~~
10 ~~education~~) superintendent shall consider the adequacy of the
11 construction management techniques used by a district and the
12 compliance with the rules adopted under subsection (1) of this section.

13 (4) Except as provided in rules adopted under subsection (1)(d) of
14 this section, the construction management techniques in subsection (1)
15 of this section shall be used on each project submitted for approval by
16 the (~~state board of education~~) superintendent, with recommendations
17 from the school facilities citizen advisory panel.

18 (5)(a) School districts applying for state assistance for school
19 facilities shall:

20 (i) Cause value engineering, constructibility review, and building
21 commissioning to be performed by contract with a professional firm
22 specializing in those construction management techniques; and

23 (ii) Contract or employ personnel to perform professional
24 construction management.

25 (b) All recommendations from the value engineering and
26 constructibility review construction techniques for a school project
27 shall be presented to the school district's board of directors for
28 acceptance or rejection. If the board of directors rejects a
29 recommendation it shall provide a statement explaining the reasons for
30 rejecting the recommendation and include the statement in the
31 application for state assistance to the (~~state board of education~~)
32 superintendent of public instruction.

33 (6) The office of the superintendent of public instruction shall
34 provide:

35 (a) An information and training program for school districts on the
36 use of the construction management techniques; and

37 (b) Consulting services to districts on the benefits and best uses
38 of these construction management techniques.

1 NEW SECTION. **Sec. 308.** A new section is added to chapter 28A.525
2 RCW to read as follows:

3 (1) To maintain citizen oversight on issues pertaining to school
4 facilities and funding for school construction, a school facilities
5 citizen advisory panel is hereby created. The panel shall advise and
6 make recommendations to the superintendent of public instruction
7 regarding school facilities, funding for school construction, joint
8 planning and financing of educational facilities, facility plans and
9 programs for nonhigh school districts, and determinations of remote and
10 necessary schools.

11 (2) The membership of the school facilities citizen advisory panel
12 shall be as follows:

13 (a) One member of the state board of education;

14 (b) Two school district directors representing school districts of
15 various sizes and geographic locations, who are appointed by the state
16 board of education and selected from a list of five names submitted to
17 the board by the Washington state school directors' association; and

18 (c) Four additional citizen members appointed by the state board of
19 education.

20 (3) Members of the panel shall be reimbursed for travel expenses in
21 accordance with RCW 43.03.050 and 43.03.060.

22 (4) In addition to the school facilities citizen advisory panel,
23 the superintendent of public instruction may convene a technical
24 advisory group including representatives from school business officers,
25 building and construction contracting and trade organizations,
26 architecture and engineering organizations, and other organizations
27 with expertise in school facilities. Such a technical advisory group
28 may advise both the superintendent and the school facilities citizen
29 advisory panel on school facilities issues.

30 **Sec. 309.** RCW 28A.525.162 and 1995 c 77 s 24 are each amended to
31 read as follows:

32 (1) Funds appropriated to the (~~state board of education~~)
33 superintendent of public instruction from the common school
34 construction fund shall be allotted by the (~~state board of education~~)
35 superintendent of public instruction, with recommendations from the
36 school facilities citizen advisory panel, in accordance with student
37 enrollment and the provisions of RCW 28A.525.200.

1 (2) No allotment shall be made to a school district until such
2 district has provided matching funds equal to or greater than the
3 difference between the total approved project cost and the amount of
4 state assistance to the district for financing the project computed
5 pursuant to RCW 28A.525.166, with the following exceptions:

6 (a) The (~~state board~~) superintendent of public instruction, with
7 recommendations from the school facilities citizen advisory panel, may
8 waive the matching requirement for districts which have provided funds
9 for school building construction purposes through the authorization of
10 bonds or through the authorization of excess tax levies or both in an
11 amount equivalent to two and one-half percent of the value of its
12 taxable property, as defined in RCW 39.36.015.

13 (b) No such matching funds shall be required as a condition to the
14 allotment of funds for the purpose of making major or minor structural
15 changes to existing school facilities in order to bring such facilities
16 into compliance with the barrier free access requirements of section
17 504 of the federal rehabilitation act of 1973 (29 U.S.C. Sec. 706) and
18 rules implementing the act.

19 (3) For the purpose of computing the state matching percentage
20 under RCW 28A.525.166 when a school district is granted authority to
21 enter into contracts, adjusted valuation per pupil shall be calculated
22 using headcount student enrollments from the most recent October
23 enrollment reports submitted by districts to the superintendent of
24 public instruction, adjusted as follows:

25 (a) In the case of projects for which local bonds were approved
26 after May 11, 1989:

27 (i) For districts which have been designated as serving high school
28 districts under RCW 28A.540.110, students residing in the nonhigh
29 district so designating shall be excluded from the enrollment count if
30 the student is enrolled in any grade level not offered by the nonhigh
31 district;

32 (ii) The enrollment of nonhigh school districts shall be increased
33 by the number of students residing within the district who are enrolled
34 in a serving high school district so designated by the nonhigh school
35 district under RCW 28A.540.110, including only students who are
36 enrolled in grade levels not offered by the nonhigh school district;
37 and

1 (iii) The number of preschool students with disabilities included
2 in the enrollment count shall be multiplied by one-half;

3 (b) In the case of construction or modernization of high school
4 facilities in districts serving students from nonhigh school districts,
5 the adjusted valuation per pupil shall be computed using the combined
6 adjusted valuations and enrollments of each district, each weighted by
7 the percentage of the district's resident high school students served
8 by the high school district; and

9 (c) The number of kindergarten students included in the enrollment
10 count shall be multiplied by one-half.

11 (4) The (~~state board of education~~) superintendent of public
12 instruction, with recommendations from the school facilities citizen
13 advisory panel, shall prescribe (~~and make effective~~) such rules as
14 are necessary to equate insofar as possible the efforts made by school
15 districts to provide capital funds by the means aforesaid.

16 (5) For the purposes of this section, "preschool students with
17 disabilities" means developmentally disabled children of preschool age
18 who are entitled to services under RCW 28A.155.010 through 28A.155.100
19 and are not included in the kindergarten enrollment count of the
20 district.

21 **Sec. 310.** RCW 28A.525.164 and 1990 c 33 s 456 are each amended to
22 read as follows:

23 In allotting the state funds provided by RCW (~~28A.525.160 through~~
24 ~~28A.525.182~~) 28A.525.162 through 28A.525.180, the (~~state board of~~
25 ~~education~~) superintendent of public instruction, with recommendations
26 from the school facilities citizen advisory panel, shall:

27 (1) Prescribe rules (~~and regulations~~) not inconsistent with RCW
28 (~~28A.525.160 through 28A.525.182~~) 28A.525.162 through 28A.525.180
29 governing the administration, control, terms, conditions, and
30 disbursement of allotments to school districts to assist them in
31 providing school plant facilities;

32 (2) Approve(~~, whenever the board deems such action advisable,~~)
33 allotments to districts that apply for state assistance;

34 (3) Authorize the payment of approved allotments by warrant of the
35 state treasurer; and

36 (4) In the event that the amount of state assistance applied for
37 pursuant to the provisions hereof exceeds the funds available for such

1 assistance during any biennium, make allotments on the basis of the
2 urgency of need for school facilities in the districts that apply for
3 assistance or prorate allotments among such districts in conformity
4 with (~~procedures and regulations~~) applicable (~~thereto which shall be~~
5 ~~established by the board~~) rules.

6 **Sec. 311.** RCW 28A.525.166 and 1997 c 369 s 9 are each amended to
7 read as follows:

8 Allocations to school districts of state funds provided by RCW
9 (~~28A.525.160 through 28A.525.182~~) 28A.525.162 through 28A.525.180
10 shall be made by the (~~state board of education~~) superintendent of
11 public instruction, with recommendations from the school facilities
12 citizen advisory panel and the amount of state assistance to a school
13 district in financing a school plant project shall be determined in the
14 following manner:

15 (1) The boards of directors of the districts shall determine the
16 total cost of the proposed project, which cost may include the cost of
17 acquiring and preparing the site, the cost of constructing the building
18 or of acquiring a building and preparing the same for school use, the
19 cost of necessary equipment, taxes chargeable to the project, necessary
20 architects' fees, and a reasonable amount for contingencies and for
21 other necessary incidental expenses: PROVIDED, That the total cost of
22 the project shall be subject to review and approval by the (~~state~~
23 ~~board of education~~) superintendent, with recommendations from the
24 school facilities citizen advisory panel.

25 (2) The state matching percentage for a school district shall be
26 computed by the following formula:

27 The ratio of the school district's adjusted valuation per pupil
28 divided by the ratio of the total state adjusted valuation per pupil
29 shall be subtracted from three, and then the result of the foregoing
30 shall be divided by three plus (the ratio of the school district's
31 adjusted valuation per pupil divided by the ratio of the total state
32 adjusted valuation per pupil).

33

	District adjusted	Total state	
	3-valuation	÷ adjusted valuation	
34	per pupil	per pupil	State
35	Computed		
36	State =	----- = - % Assistance	
37	Ratio	District adjusted	Total state

1 students into educational programs established, maintained and operated
2 in conformity with the requirements of law; or (c) a deficiency in the
3 capital funds of the district resulting from financing, subsequent to
4 April 1, 1969, and without benefit of the state assistance provided by
5 prior state assistance programs, the construction of a needed school
6 building project or projects approved in conformity with the
7 requirements of such programs, after having first applied for and been
8 denied state assistance because of the inadequacy of state funds
9 available for the purpose, or (d) a condition created by the fact that
10 an excessive number of students live in state owned housing, or (e) a
11 need for the construction of a school building to provide for improved
12 school district organization or racial balance, or (f) conditions
13 similar to those defined under (a), (b), (c), (d), and (e)
14 (~~hereinabove~~) of this subsection, creating a like emergency.

15 **Sec. 312.** RCW 28A.525.168 and 1990 c 33 s 458 are each amended to
16 read as follows:

17 Whenever the voters of a school district authorize the issuance of
18 bonds and/or the levying of excess taxes in an amount sufficient to
19 meet the requirements of RCW 28A.525.162 respecting eligibility for
20 state assistance in providing school facilities, the taxable valuation
21 of the district and the percentage of state assistance in providing
22 school facilities prevailing at the time of such authorization shall be
23 the valuation and the percentage used for the purpose of determining
24 the eligibility of the district for an allotment of state funds and the
25 amount or amounts of such allotments, respectively, for all projects
26 for which the voters authorize capital funds as aforesaid, unless a
27 higher percentage of state assistance prevails on the date that state
28 funds for assistance in financing a project are allotted by the (~~state~~
29 ~~board of education~~) superintendent of public instruction in which case
30 the percentage prevailing on the date of allotment by the (~~state~~
31 ~~board~~) superintendent of funds for each project shall govern:
32 PROVIDED, That if the (~~state board of education~~) superintendent of
33 public instruction, with recommendations from the school facilities
34 citizen advisory panel, determines at any time that there has been
35 undue or unwarranted delay on the part of school district authorities
36 in advancing a project to the point of readiness for an allotment of
37 state funds, the taxable valuation of the school district and the

1 percentage of state assistance prevailing on the date that the
2 allotment is made shall be used for the purposes aforesaid: PROVIDED,
3 FURTHER, That the date ((herein)) specified in this section as
4 applicable in determining the eligibility of an individual school
5 district for state assistance and in determining the amount of such
6 assistance shall be applicable also to cases where it is necessary in
7 administering chapter 28A.540 RCW to determine eligibility for and the
8 amount of state assistance for a group of school districts considered
9 as a single school administrative unit.

10 **Sec. 313.** RCW 28A.525.170 and 1990 c 33 s 459 are each amended to
11 read as follows:

12 If a school district which has qualified for an allotment of state
13 funds under the provisions of RCW ((28A.525.160 through 28A.525.182))
14 28A.525.162 through 28A.525.180 for school building construction is
15 found by the ((state board of education)) superintendent of public
16 instruction, with recommendations from the school facilities citizen
17 advisory panel, to have a school housing emergency requiring an
18 allotment of state funds in excess of the amount allocable under RCW
19 28A.525.166, an additional allotment may be made to such district:
20 PROVIDED, That the total amount allotted shall not exceed ninety
21 percent of the total cost of the approved project which may include the
22 cost of the site and equipment. At any time thereafter when the
23 ((state board of education)) superintendent, with recommendations from
24 the school facilities citizen advisory panel, finds that the financial
25 position of such school district has improved through an increase in
26 its taxable valuation or through retirement of bonded indebtedness or
27 through a reduction in school housing requirements, or for any
28 combination of these reasons, the amount of such additional allotment,
29 or any part of such amount as the ((state board of education))
30 superintendent, with recommendations from the school facilities citizen
31 advisory panel, determines, shall be deducted, under terms and
32 conditions prescribed by the ((board)) superintendent, with
33 recommendations from the school facilities citizen advisory panel, from
34 any state school building construction funds which might otherwise be
35 provided to such district.

1 **Sec. 314.** RCW 28A.525.172 and 1969 ex.s. c 244 s 7 are each
2 amended to read as follows:

3 All applications by school districts for state assistance in
4 providing school plant facilities shall be made to the superintendent
5 of public instruction in conformity with rules (~~and regulations which~~
6 ~~shall be prescribed~~) adopted by the (~~state board of education~~)
7 superintendent of public instruction, with recommendations from the
8 school facilities citizen advisory panel. Studies and surveys shall be
9 conducted by the (~~state board~~) superintendent for the purpose of
10 securing information relating to (a) the kind and extent of the school
11 plant facilities required and the urgency of need for such facilities
12 in districts that seek state assistance, (b) the ability of such
13 districts to provide capital funds by local effort, (c) the need for
14 improvement of school administrative units and school attendance areas
15 among or within such districts, and (d) any other pertinent matters.

16 **Sec. 315.** RCW 28A.525.174 and 1990 c 33 s 460 are each amended to
17 read as follows:

18 It shall be the duty of the (~~state board of education~~)
19 superintendent of public instruction, in consultation with the
20 Washington state department of social and health services, to prepare
21 a manual and/or to specify other materials for the information and
22 guidance of local school district authorities and others responsible
23 for and concerned with the designing, planning, maintenance and
24 operation of school plant facilities for the public schools. In so
25 doing due consideration shall be given to the presentation of
26 information regarding (~~(a)~~) (1) the need for cooperative state-local
27 district action in planning school plant facilities arising out of the
28 cooperative plan for financing said facilities provided for in RCW
29 (~~28A.525.160 through 28A.525.182; (b)~~) 28A.525.162 through
30 28A.525.180; (2) procedures in inaugurating and conducting a school
31 plant planning program for a school district; (~~(c)~~) (3) standards for
32 use in determining the selection and development of school sites and in
33 designing, planning, and constructing school buildings to the end that
34 the health, safety, and educational well-being and development of
35 school children will be served; (~~(d)~~) (4) the planning of readily
36 expandible and flexible school buildings to meet the requirements of an
37 increasing school population and a constantly changing educational

1 program; ~~((e))~~ (5) an acceptable school building maintenance program
2 and the necessity therefor; ~~((f))~~ (6) the relationship of an
3 efficient school building operations service to the health and
4 educational progress of pupils; and ~~((g))~~ (7) any other matters
5 regarded by the ~~((state board))~~ superintendent as pertinent or related
6 to the purposes and requirements of RCW ~~((28A.525.160 through~~
7 ~~28A.525.182))~~ 28A.525.162 through 28A.525.180.

8 **Sec. 316.** RCW 28A.525.176 and 1990 c 33 s 461 are each amended to
9 read as follows:

10 The ~~((state board of education))~~ superintendent of public
11 instruction shall furnish to school districts seeking state assistance
12 under the provisions of RCW ~~((28A.525.160 through 28A.525.182))~~
13 28A.525.162 through 28A.525.180 consultatory and advisory service in
14 connection with the development of school building programs and the
15 planning of school plant facilities.

16 **Sec. 317.** RCW 28A.525.178 and 1990 c 33 s 462 are each amended to
17 read as follows:

18 ~~((Whenever in the judgment of the state board of education))~~ When
19 economies may be ~~((effected))~~ affected without impairing the usefulness
20 and adequacy of school buildings, ~~((said board))~~ the superintendent of
21 public instruction, with recommendations from the school facilities
22 citizen advisory panel, may prescribe rules ~~((and regulations))~~ and
23 establish procedures governing the preparation and use of modifiable
24 basic or standard plans for school building construction projects for
25 which state assistance funds provided by RCW ~~((28A.525.160 through~~
26 ~~28A.525.182))~~ 28A.525.162 through 28A.525.180 are allotted.

27 **Sec. 318.** RCW 28A.525.180 and 1990 c 33 s 463 are each amended to
28 read as follows:

29 The total amount of funds appropriated under the provisions of RCW
30 ~~((28A.525.160 through 28A.525.182))~~ 28A.525.162 through 28A.525.180
31 shall be reduced by the amount of federal funds made available during
32 each biennium for school construction purposes under any applicable
33 federal law. The funds appropriated by RCW ~~((28A.525.160 through~~
34 ~~28A.525.182))~~ 28A.525.162 through 28A.525.180 and available for
35 allotment by the ~~((state board of education))~~ superintendent of public

1 instruction, with recommendations from the school facilities citizen
2 advisory panel, shall be reduced by the amount of such federal funds
3 made available. Notwithstanding the foregoing provisions of this
4 section, the total amount of funds appropriated by RCW (~~28A.525.160~~
5 ~~through 28A.525.182~~) 28A.525.162 through 28A.525.180 shall not be
6 reduced by reason of any grants to any school district of federal
7 moneys paid under Public Law No. 815 or any other federal act
8 authorizing school building construction assistance to federally
9 affected areas.

10 **Sec. 319.** RCW 28A.525.190 and 1975 1st ex.s. c 98 s 2 are each
11 amended to read as follows:

12 The (~~state board of education~~) superintendent of public
13 instruction, with recommendations from the school facilities citizen
14 advisory panel shall prioritize the construction of common school
15 facilities only from funds appropriated and available in the common
16 school construction fund.

17 **Sec. 320.** RCW 28A.525.200 and 1990 c 33 s 465 are each amended to
18 read as follows:

19 Notwithstanding any other provision of RCW 28A.525.010 through
20 28A.525.222, the allocation and distribution of funds by the (~~state~~
21 ~~board of education which are now or may hereafter be appropriated~~)
22 superintendent of public instruction, with recommendations from the
23 school facilities citizen advisory panel, for the purposes of providing
24 assistance in the construction of school plant facilities shall be
25 governed by (~~RCW 28A.525.010 through 28A.525.080 and 28A.525.162~~
26 ~~through 28A.525.178~~) this chapter.

27 **Sec. 321.** RCW 28A.525.216 and 1990 c 33 s 467 are each amended to
28 read as follows:

29 The proceeds from the sale of the bonds deposited under RCW
30 28A.525.214 in the common school construction fund shall be
31 administered by the (~~state board of education~~) superintendent of
32 public instruction, with recommendations from the school facilities
33 citizen advisory panel.

1 **Sec. 322.** RCW 28A.150.260 and 1997 c 13 s 2 are each amended to
2 read as follows:

3 The basic education allocation for each annual average full time
4 equivalent student shall be determined in accordance with the following
5 procedures:

6 (1) The governor shall and the superintendent of public instruction
7 may recommend to the legislature a formula based on a ratio of students
8 to staff for the distribution of a basic education allocation for each
9 annual average full time equivalent student enrolled in a common
10 school. The distribution formula shall have the primary objective of
11 equalizing educational opportunities and shall provide appropriate
12 recognition of the following costs among the various districts within
13 the state:

14 (a) Certificated instructional staff and their related costs;

15 (b) Certificated administrative staff and their related costs;

16 (c) Classified staff and their related costs;

17 (d) Nonsalary costs;

18 (e) Extraordinary costs of remote and necessary schools as judged
19 by the superintendent of public instruction, with recommendations from
20 the school facilities citizen advisory panel under section 308 of this
21 act, and small high schools, including costs of additional certificated
22 and classified staff; and

23 (f) The attendance of students pursuant to RCW 28A.335.160 and
24 28A.225.250 who do not reside within the servicing school district.

25 (2)(a) This formula for distribution of basic education funds shall
26 be reviewed biennially by the superintendent and governor. The
27 recommended formula shall be subject to approval, amendment or
28 rejection by the legislature. The formula shall be for allocation
29 purposes only. While the legislature intends that the allocations for
30 additional instructional staff be used to increase the ratio of such
31 staff to students, nothing in this section shall require districts to
32 reduce the number of administrative staff below existing levels.

33 (b) The formula adopted by the legislature shall reflect the
34 following ratios at a minimum: (i) Forty-nine certificated
35 instructional staff to one thousand annual average full time equivalent
36 students enrolled in grades kindergarten through three; (ii) forty-six
37 certificated instructional staff to one thousand annual average full
38 time equivalent students in grades four through twelve; (iii) four

1 certificated administrative staff to one thousand annual average full
2 time equivalent students in grades kindergarten through twelve; and
3 (iv) sixteen and sixty-seven one-hundredths classified personnel to one
4 thousand annual average full time equivalent students enrolled in
5 grades kindergarten through twelve.

6 (c) In the event the legislature rejects the distribution formula
7 recommended by the governor, without adopting a new distribution
8 formula, the distribution formula for the previous school year shall
9 remain in effect: PROVIDED, That the distribution formula developed
10 pursuant to this section shall be for state apportionment and
11 equalization purposes only and shall not be construed as mandating
12 specific operational functions of local school districts other than
13 those program requirements identified in RCW 28A.150.220 and
14 28A.150.100. The enrollment of any district shall be the annual
15 average number of full time equivalent students and part time students
16 as provided in RCW 28A.150.350, enrolled on the first school day of
17 each month and shall exclude full time equivalent students with
18 disabilities recognized for the purposes of allocation of state funds
19 for programs under RCW 28A.155.010 through 28A.155.100. The definition
20 of full time equivalent student shall be determined by rules of the
21 superintendent of public instruction: PROVIDED, That the definition
22 shall be included as part of the superintendent's biennial budget
23 request: PROVIDED, FURTHER, That any revision of the present
24 definition shall not take effect until approved by the house
25 appropriations committee and the senate ways and means committee:
26 PROVIDED, FURTHER, That the office of financial management shall make
27 a monthly review of the superintendent's reported full time equivalent
28 students in the common schools in conjunction with RCW 43.62.050.

29 (3)(a) Certificated instructional staff shall include those persons
30 employed by a school district who are nonsupervisory employees within
31 the meaning of RCW 41.59.020(8): PROVIDED, That in exceptional cases,
32 people of unusual competence but without certification may teach
33 students so long as a certificated person exercises general
34 supervision: PROVIDED, FURTHER, That the hiring of such classified
35 people shall not occur during a labor dispute and such classified
36 people shall not be hired to replace certificated employees during a
37 labor dispute.

1 (b) Certificated administrative staff shall include all those
2 persons who are chief executive officers, chief administrative
3 officers, confidential employees, supervisors, principals, or assistant
4 principals within the meaning of RCW 41.59.020(4).

5 **Sec. 323.** RCW 28A.335.160 and 1995 c 335 s 604 are each amended to
6 read as follows:

7 Any school district may cooperate with one or more school districts
8 in the joint financing, planning, construction, equipping and operating
9 of any educational facility otherwise authorized by law: PROVIDED,
10 That any cooperative financing plan involving the construction of
11 school plant facilities must be approved by the (~~state board of~~
12 ~~education~~) superintendent of public instruction, with recommendations
13 from the school facilities citizen advisory panel under section 308 of
14 this act, pursuant to such rules (~~as may now or hereafter be~~
15 ~~promulgated~~) adopted relating to state approval of school
16 construction.

17 **Sec. 324.** RCW 28A.540.050 and 1990 c 33 s 485 are each amended to
18 read as follows:

19 Subsequent to the holding of a hearing or hearings as provided in
20 RCW 28A.540.040, the regional committee on school district organization
21 shall determine the nonhigh school districts to be included in the plan
22 and the amount of capital funds to be provided by every school district
23 included therein, and shall submit the proposed plan to the (~~state~~
24 ~~board of education~~) superintendent of public instruction together with
25 such maps and other materials pertaining thereto as the (~~state board~~)
26 superintendent may require. The (~~state board~~) superintendent, with
27 recommendations from the school facilities citizen advisory panel under
28 section 308 of this act, shall review such plan, shall approve any plan
29 which in (~~its~~) his or her judgment makes adequate and satisfactory
30 provision for participation by the nonhigh school districts in
31 providing capital funds to be used for the purpose above stated, and
32 shall notify the regional committee of such action. Upon receipt by
33 the regional committee of such notification, the educational service
34 district superintendent, or his or her designee, shall notify the board
35 of directors of each school district included in the plan, supplying

1 each board with complete details of the plan and shall state the total
2 amount of funds to be provided and the amount to be provided by each
3 district.

4 If any such plan submitted by a regional committee is not approved
5 by the (~~state board~~) superintendent of public instruction, the
6 regional committee shall be so notified, which notification shall
7 contain a statement of reasons therefor and suggestions for revision.
8 Within sixty days thereafter the regional committee shall submit to the
9 (~~state board~~) superintendent a revised plan which revision shall be
10 subject to approval or disapproval by the (~~state board~~)
11 superintendent, with recommendations from the school facilities citizen
12 advisory panel, and the procedural requirements and provisions of law
13 applicable to an original plan submitted to (~~said board~~) the
14 superintendent.

15 NEW SECTION. Sec. 325. A new section is added to chapter 28A.545
16 RCW to read as follows:

17 The superintendent of public instruction, with recommendations from
18 the school facilities citizen advisory panel under section 308 of this
19 act, shall adopt rules governing the establishment in any existing
20 nonhigh school district of any secondary program or any new grades in
21 grades nine through twelve. Before any such program or any new grades
22 are established, the district must obtain prior approval of the
23 superintendent of public instruction.

24 **Sec. 326.** RCW 28A.150.530 and 2005 c 12 s 7 are each amended to
25 read as follows:

26 (1) In adopting implementation rules, (~~the state board of~~
27 ~~education, in consultation with~~) the superintendent of public
28 instruction (~~and~~), in consultation with the department of general
29 administration, shall review and modify the current requirement for an
30 energy conservation report review by the department of general
31 administration as provided in WAC 180-27-075.

32 (2) In adopting implementation rules, (~~the state board of~~
33 ~~education, in consultation with~~) the superintendent of public
34 instruction shall:

35 (a) Review and modify the current requirements for value

1 engineering, (~~constructability~~) constructibility review, and building
2 commissioning as provided in WAC 180-27-080;

3 (b) Review private and public utility providers' capacity and
4 financial/technical assistance programs for affected public school
5 districts to monitor and report utility consumption for purposes of
6 reporting to the superintendent of public instruction as provided in
7 RCW 39.35D.040;

8 (c) Coordinate with the department of general administration, the
9 state board of health, the department of ecology, federal agencies, and
10 other affected agencies as appropriate in their consideration of rules
11 to implement this section.

12 **Sec. 327.** RCW 28A.335.210 and 2005 c 36 s 1 are each amended to
13 read as follows:

14 The (~~state board of education and~~) superintendent of public
15 instruction shall allocate, as a nondeductible item, out of any moneys
16 appropriated for state assistance to school districts for the original
17 construction of any school plant facility the amount of one-half of one
18 percent of the appropriation to be expended by the Washington state
19 arts commission for the acquisition of works of art. The works of art
20 may be placed in accordance with Article IX, sections 2 and 3 of the
21 state Constitution on public lands, integral to or attached to a public
22 building or structure, detached within or outside a public building or
23 structure, part of a portable exhibition or collection, part of a
24 temporary exhibition, or loaned or exhibited in other public
25 facilities. The Washington state arts commission shall, in
26 consultation with the superintendent of public instruction, determine
27 the amount to be made available for the purchase of works of art under
28 this section, and payments therefor shall be made in accordance with
29 law. The designation of projects and sites, selection, contracting,
30 purchase, commissioning, reviewing of design, execution and placement,
31 acceptance, maintenance, and sale, exchange, or disposition of works of
32 art shall be the responsibility of the Washington state arts commission
33 in consultation with the superintendent of public instruction and
34 representatives of school district boards of directors. The
35 superintendent of public instruction and the school district board of
36 directors of the districts where the sites are selected shall have the
37 right to:

1 (1) Waive its use of the one-half of one percent of the
2 appropriation for the acquisition of works of art before the selection
3 process by the Washington state arts commission;

4 (2) Appoint a representative to the body established by the
5 Washington state arts commission to be part of the selection process
6 with full voting rights;

7 (3) Reject the results of the selection process;

8 (4) Reject the placement of a completed work or works of art on
9 school district premises if such works are portable.

10 Rejection at any point before or after the selection process shall
11 not cause the loss of or otherwise endanger state construction funds
12 available to the local school district. Any works of art rejected
13 under this section shall be applied to the provision of works of art
14 under this chapter, at the discretion of the Washington state arts
15 commission, notwithstanding any contract or agreement between the
16 affected school district and the artist involved. In addition to the
17 cost of the works of art the one-half of one percent of the
18 appropriation as provided (~~herein~~) in this section shall be used to
19 provide for the administration, including conservation of the state art
20 collection, by the Washington state arts commission and all costs for
21 installation of the work of art. For the purpose of this section
22 building shall not include sheds, warehouses, or other buildings of a
23 temporary nature.

24 The executive director of the arts commission, the superintendent
25 of public instruction, and the Washington state school directors
26 association shall appoint a study group to review the operations of the
27 one-half of one percent for works of art under this section.

28 **Sec. 328.** RCW 28A.335.230 and 1987 c 112 s 1 are each amended to
29 read as follows:

30 School districts shall be required to lease for a reasonable fee
31 vacant school plant facilities from a contiguous school district
32 wherever possible.

33 No school district with unhoused students may be eligible for the
34 state matching funds for the construction of school plant facilities
35 if:

36 (1) The school district contiguous to the school district applying
37 for the state matching percentage has vacant school plant facilities;

1 (2) The superintendent of public instruction (~~and the state board~~
2 ~~of education have~~) has determined the vacant school plant facilities
3 available in the contiguous district will fulfill the needs of the
4 applicant district in housing unhoused students. In determining
5 whether the contiguous district school plant facilities meet the needs
6 of the applicant district, consideration shall be given, but not
7 limited to the geographic location of the vacant facilities as they
8 relate to the applicant district; and

9 (3) A lease of the vacant school plant facilities can be
10 negotiated.

11 **Sec. 329.** RCW 28A.540.070 and 1990 c 33 s 486 are each amended to
12 read as follows:

13 In the event that a proposal or proposals for providing capital
14 funds as provided in RCW 28A.540.060 is not approved by the voters of
15 a nonhigh school district a second election thereon shall be held
16 within sixty days thereafter. If the vote of the electors of the
17 nonhigh school district is again in the negative, the high school
18 students residing therein shall not be entitled to admission to the
19 high school under the provisions of RCW 28A.225.210, following the
20 close of the school year during which the second election is held:
21 PROVIDED, That in any such case the regional committee on school
22 district organization shall determine within thirty days after the date
23 of the aforesaid election the advisability of initiating a proposal for
24 annexation of such nonhigh school district to the school district in
25 which the proposed facilities are to be located or to some other
26 district where its students can attend high school without undue
27 inconvenience: PROVIDED FURTHER, That pending such determination by
28 the regional committee and action thereon as required by law the board
29 of directors of the high school district shall continue to admit high
30 school students residing in the nonhigh school district. Any proposal
31 for annexation of a nonhigh school district initiated by a regional
32 committee shall be subject to the procedural requirements of this
33 chapter respecting a public hearing and submission to and approval by
34 the (~~state board of education~~) superintendent of public instruction,
35 with recommendations from the school facilities citizen advisory panel
36 under section 308 of this act. Upon approval by the (~~state board~~)

1 superintendent of public instruction of any such proposal, the
2 educational service district superintendent shall make an order,
3 establishing the annexation.

4 NEW SECTION. Sec. 330. The following sections are each
5 decodified:

- 6 RCW 28A.525.120
- 7 RCW 28A.525.122
- 8 RCW 28A.525.124
- 9 RCW 28A.525.126
- 10 RCW 28A.525.128
- 11 RCW 28A.525.130
- 12 RCW 28A.525.132
- 13 RCW 28A.525.134
- 14 RCW 28A.525.140
- 15 RCW 28A.525.142
- 16 RCW 28A.525.144
- 17 RCW 28A.525.146
- 18 RCW 28A.525.148
- 19 RCW 28A.525.150
- 20 RCW 28A.525.152
- 21 RCW 28A.525.154
- 22 RCW 28A.525.156
- 23 RCW 28A.525.158
- 24 RCW 28A.525.160
- 25 RCW 28A.525.182

26 **PART 4**

27 **COURSES OF STUDY AND EDUCATIONAL PROGRAMS**

28 **Sec. 401.** RCW 28A.305.220 and 2004 c 19 s 108 are each amended to
29 read as follows:

30 (1) The (~~state board of education~~) superintendent of public
31 instruction, in consultation with the higher education coordinating
32 board, the state board for community and technical colleges, and the
33 work force training and education coordinating board, shall develop for
34 use by all public school districts a standardized high school
35 transcript. The (~~state board of education~~) superintendent shall

1 establish clear definitions for the terms "credits" and "hours" so that
2 school programs operating on the quarter, semester, or trimester system
3 can be compared.

4 (2) The standardized high school transcript shall include the
5 following information:

6 (a) The highest scale score and level achieved in each content area
7 on the high school Washington assessment of student learning or other
8 high school measures successfully completed by the student as provided
9 by RCW 28A.655.061 and 28A.155.045;

10 (b) All scholar designations as provided by RCW 28A.655.061;

11 (c) A notation of whether the student has earned a certificate of
12 individual achievement or a certificate of academic achievement by
13 means of the Washington assessment of student learning or by an
14 alternative assessment.

15 (3) Transcripts are important documents to students who will apply
16 for admission to postsecondary institutions of higher education.
17 Transcripts are also important to students who will seek employment
18 upon or prior to graduation from high school. It is recognized that
19 student transcripts may be the only record available to employers in
20 their decision-making processes regarding prospective employees. The
21 superintendent of public instruction shall require school districts to
22 inform annually all high school students that prospective employers may
23 request to see transcripts and that the prospective employee's decision
24 to release transcripts can be an important part of the process of
25 applying for employment.

26 **Sec. 402.** RCW 28A.230.100 and 1991 c 116 s 8 are each amended to
27 read as follows:

28 The ((state board of education)) superintendent of public
29 instruction, in consultation with the higher education coordinating
30 board, the state board for community and technical colleges, and the
31 work force training and education coordinating board, shall adopt rules
32 pursuant to chapter 34.05 RCW, to implement the course requirements set
33 forth in RCW 28A.230.090. The rules shall include, as the ((state
34 board)) superintendent deems necessary, granting equivalencies for and
35 temporary exemptions from the course requirements in RCW 28A.230.090
36 and special alterations of the course requirements in RCW 28A.230.090.
37 In developing such rules the ((state board)) superintendent shall

1 recognize the relevance of vocational and applied courses and allow
2 such courses to fulfill in whole or in part the courses required for
3 graduation in RCW 28A.230.090. The rules may include provisions for
4 competency testing in lieu of such courses required for graduation in
5 RCW 28A.230.090 or demonstration of specific skill proficiency or
6 understanding of concepts through work or experience.

7 **Sec. 403.** RCW 28A.230.170 and 1985 c 341 s 1 are each amended to
8 read as follows:

9 The study of the Constitution of the United States and the
10 Constitution of the state of Washington shall be a condition
11 prerequisite to graduation from the public and private high schools of
12 this state. The (~~state board of education acting upon the advice of~~
13 ~~the~~) superintendent of public instruction shall provide by rule (~~or~~
14 ~~regulation~~) for the implementation of this section.

15 NEW SECTION. **Sec. 404.** The state board of education, in
16 consultation with the state board for community and technical colleges,
17 shall examine the statutory authority, rules, and jurisdiction between
18 the K-12 and postsecondary education systems regarding the general
19 educational development test and adult education. The board shall make
20 recommendations for change or clarification to the education committees
21 of the legislature by January 15, 2007.

22 **Sec. 405.** RCW 28A.305.170 and 2002 c 291 s 3 are each amended to
23 read as follows:

24 (1) In addition to any other powers and duties as provided by law,
25 the (~~state board of education~~) superintendent of public instruction,
26 in consultation with the military department, shall adopt rules
27 governing and authorizing the acceptance of national guard high school
28 career training and the national guard youth challenge program in lieu
29 of either required high school credits or elective high school credits.

30 (2) With the exception of students enrolled in the national guard
31 youth challenge program, students enrolled in such national guard
32 programs shall be considered enrolled in the common school last
33 attended preceding enrollment in such national guard program.

34 (3) The (~~board~~) superintendent shall adopt rules to ensure that
35 students who successfully complete the national guard youth challenge

1 program are granted an appropriate number of high school credits, based
2 on the students' levels of academic proficiency as measured by the
3 program.

4 **Sec. 406.** RCW 28A.230.130 and 2003 c 49 s 2 are each amended to
5 read as follows:

6 (1) All public high schools of the state shall provide a program,
7 directly or in cooperation with a community college or another school
8 district, for students whose educational plans include application for
9 entrance to a baccalaureate-granting institution after being granted a
10 high school diploma. The program shall help these students to meet at
11 least the minimum entrance requirements under RCW 28B.10.050.

12 (2) All public high schools of the state shall provide a program,
13 directly or in cooperation with a community or technical college, a
14 skills center, an apprenticeship committee, or another school district,
15 for students who plan to pursue career or work opportunities other than
16 entrance to a baccalaureate-granting institution after being granted a
17 high school diploma. These programs may:

18 (a) Help students demonstrate the application of essential academic
19 learning requirements to the world of work, occupation-specific skills,
20 knowledge of more than one career in a chosen pathway, and
21 employability and leadership skills; and

22 (b) Help students demonstrate the knowledge and skill needed to
23 prepare for industry certification, and/or have the opportunity to
24 articulate to postsecondary education and training programs.

25 ~~((3) The state board of education, upon request from local school
26 districts, may grant waivers from the requirements to provide the
27 program described in subsections (1) and (2) of this section for
28 reasons relating to school district size and the availability of staff
29 authorized to teach subjects which must be provided. In considering
30 waiver requests related to programs in subsection (2) of this section,
31 the state board of education shall consider the extent to which the
32 school district has offered such programs before the 2003-04 school
33 year.))~~

34 **Sec. 407.** RCW 28A.205.010 and 2005 c 497 s 214 are each amended to
35 read as follows:

1 (1) As used in this chapter, unless the context thereof shall
2 clearly indicate to the contrary:

3 "Education center" means any private school operated on a profit or
4 nonprofit basis which does the following:

5 (a) Is devoted to the teaching of basic academic skills, including
6 specific attention to improvement of student motivation for achieving,
7 and employment orientation.

8 (b) Operates on a clinical, client centered basis. This shall
9 include, but not be limited to, performing diagnosis of individual
10 educational abilities, determination and setting of individual goals,
11 prescribing and providing individual courses of instruction therefor,
12 and evaluation of each individual client's progress in his or her
13 educational program.

14 (c) Conducts courses of instruction by professionally trained
15 personnel certificated by the Washington professional educator
16 standards board according to rules adopted for the purposes of this
17 chapter and providing, for certification purposes, that a year's
18 teaching experience in an education center shall be deemed equal to a
19 year's teaching experience in a common or private school.

20 (2) For purposes of this chapter, basic academic skills shall
21 include the study of mathematics, speech, language, reading and
22 composition, science, history, literature and political science or
23 civics; it shall not include courses of a vocational training nature
24 and shall not include courses deemed nonessential to the accrediting
25 (~~of the common schools~~) or the approval of private schools under RCW
26 28A.305.130.

27 (3) The (~~state board of education~~) superintendent of public
28 instruction shall certify an education center only upon application and
29 (a) determination that such school comes within the definition thereof
30 as set forth in subsection (1) of this section and (b) demonstration on
31 the basis of actual educational performance of such applicants'
32 students which shows after consideration of their students'
33 backgrounds, educational gains that are a direct result of the
34 applicants' educational program. Such certification may be withdrawn
35 if the (~~board~~) superintendent finds that a center fails to provide
36 adequate instruction in basic academic skills. No education center
37 certified by the (~~state board of education~~) superintendent of public

1 instruction pursuant to this section shall be deemed a common school
2 under RCW 28A.150.020 or a private school for the purposes of RCW
3 28A.195.010 through 28A.195.050.

4 **Sec. 408.** RCW 28A.215.010 and 1995 c 335 s 104 are each amended to
5 read as follows:

6 The board of directors of any school district shall have the power
7 to establish and maintain preschools and to provide before-and-after-
8 school and vacation care in connection with the common schools of said
9 district located at such points as the board shall deem most suitable
10 for the convenience of the public, for the care and instruction of
11 infants and children residing in said district. The board shall
12 establish such courses, activities, rules, and regulations governing
13 preschools and before-and-after-school care as it may deem best:
14 PROVIDED, That these courses and activities shall meet the minimum
15 standard for such preschools as established by the United States
16 department of health, education and welfare, or its successor agency,
17 and the (~~state board of education~~) superintendent of public
18 instruction. Except as otherwise provided by state or federal law, the
19 board of directors may fix a reasonable charge for the care and
20 instruction of children attending such schools. The board may, if
21 necessary, supplement such funds as are received for the superintendent
22 of public instruction or any agency of the federal government, by an
23 appropriation from the general school fund of the district.

24 **Sec. 409.** RCW 28A.215.020 and 1995 c 335 s 308 are each amended to
25 read as follows:

26 Expenditures under federal funds and/or state appropriations made
27 to carry out the purposes of RCW 28A.215.010 through 28A.215.050 shall
28 be made by warrants issued by the state treasurer upon order of the
29 superintendent of public instruction. The (~~state board of education~~)
30 superintendent of public instruction shall make necessary rules (~~and~~
31 ~~regulations~~) to carry out the purpose of RCW 28A.215.010. After being
32 notified by the office of the governor that there is an agency or
33 department responsible for early learning, the superintendent shall
34 consult with that agency when establishing relevant rules.

1 **Sec. 410.** RCW 28A.205.040 and 1999 c 348 s 4 are each amended to
2 read as follows:

3 (1)(a) From funds appropriated for that purpose, the superintendent
4 of public instruction shall pay fees to a certified center on a monthly
5 basis for each student enrolled in compliance with RCW 28A.205.020.
6 The superintendent shall set fees by rule.

7 (b) Revisions in such fees proposed by an education center shall
8 become effective after thirty days notice unless the superintendent
9 finds such a revision is unreasonable in which case the revision shall
10 not take effect. ~~((An education center may, within fifteen days after
11 such a finding by the superintendent, file notification of appeal with
12 the state board of education which shall, no later than its second
13 regularly scheduled meeting following notification of such appeal,
14 either grant or deny the proposed revision.))~~ The administration of
15 any general education development test shall not be a part of such
16 initial diagnostic procedure.

17 (c) Reimbursements shall not be made for students who are absent.

18 (d) No center shall make any charge to any student, or the
19 student's parent, guardian or custodian, for whom a fee is being
20 received under the provisions of this section.

21 (2) Payments shall be made from available funds first to those
22 centers that have in the judgment of the superintendent demonstrated
23 superior performance based upon consideration of students' educational
24 gains taking into account such students' backgrounds, and upon
25 consideration of cost effectiveness. In considering the cost
26 effectiveness of nonprofit centers the superintendent shall take into
27 account not only payments made under this section but also factors such
28 as tax exemptions, direct and indirect subsidies or any other cost to
29 taxpayers at any level of government which result from such nonprofit
30 status.

31 (3) To be eligible for such payment, every such center, without
32 prior notice, shall permit a review of its accounting records by
33 personnel of the state auditor during normal business hours.

34 (4) If total funds for this purpose approach depletion, the
35 superintendent shall notify the centers of the date after which further
36 funds for reimbursement of the centers' services will be exhausted.

1 **Sec. 414.** RCW 28A.230.050 and 1985 c 384 s 3 are each amended to
2 read as follows:

3 All high schools of the state shall emphasize the work of physical
4 education, and carry into effect all physical education requirements
5 established by rule (~~(or regulation)~~) of the (~~(state board of~~
6 ~~education)~~) superintendent of public instruction: PROVIDED, That
7 individual students may be excused from participating in physical
8 education otherwise required under this section on account of physical
9 disability, employment, or religious belief, or because of
10 participation in directed athletics or military science and tactics or
11 for other good cause.

12 **Sec. 415.** RCW 28A.330.100 and 1995 c 335 s 503 and 1995 c 77 s 22
13 are each reenacted and amended to read as follows:

14 Every board of directors of a school district of the first class,
15 in addition to the general powers for directors enumerated in this
16 title, shall have the power:

17 (1) To employ for a term of not exceeding three years a
18 superintendent of schools of the district, and for cause to dismiss him
19 or her(~~(+)~~), and to fix his or her duties and compensation(~~(+)~~);

20 (2) To employ, and for cause dismiss one or more assistant
21 superintendents and to define their duties and fix their
22 compensation(~~(+)~~);

23 (3) To employ a business manager, attorneys, architects, inspectors
24 of construction, superintendents of buildings and a superintendent of
25 supplies, all of whom shall serve at the board's pleasure, and to
26 prescribe their duties and fix their compensation(~~(+)~~);

27 (4) To employ, and for cause dismiss, supervisors of instruction
28 and to define their duties and fix their compensation(~~(+)~~);

29 (5) To prescribe a course of study and a program of exercises which
30 shall be consistent with the course of study prepared by the (~~(state~~
31 ~~board of education)~~) superintendent of public instruction for the use
32 of the common schools of this state(~~(+)~~);

33 (6) To, in addition to the minimum requirements imposed by this
34 title establish and maintain such grades and departments, including
35 night, high, kindergarten, vocational training and, except as otherwise
36 provided by law, industrial schools, and schools and departments for

1 the education and training of any class or classes of youth with
2 disabilities, as in the judgment of the board, best shall promote the
3 interests of education in the district((~~-~~))i

4 (7) To determine the length of time over and above one hundred
5 eighty days that school shall be maintained: PROVIDED, That for
6 purposes of apportionment no district shall be credited with more than
7 one hundred and eighty-three days' attendance in any school year; and
8 to fix the time for annual opening and closing of schools and for the
9 daily dismissal of pupils before the regular time for closing
10 schools((~~-~~))i

11 (8) To maintain a shop and repair department, and to employ, and
12 for cause dismiss, a foreman and the necessary help for the maintenance
13 and conduct thereof((~~-~~))i

14 (9) To provide free textbooks and supplies for all children
15 attending school((~~-~~))i

16 (10) To require of the officers or employees of the district to
17 give a bond for the honest performance of their duties in such penal
18 sum as may be fixed by the board with good and sufficient surety, and
19 to cause the premium for all bonds required of all such officers or
20 employees to be paid by the district: PROVIDED, That the board may, by
21 written policy, allow that such bonds may include a deductible proviso
22 not to exceed two percent of the officer's or employee's annual
23 salary((~~-~~))i

24 (11) To prohibit all secret fraternities and sororities among the
25 students in any of the schools of the said districts((~~-~~))i and

26 (12) To appoint a practicing physician, resident of the school
27 district, who shall be known as the school district medical inspector,
28 and whose duty it shall be to decide for the board of directors all
29 questions of sanitation and health affecting the safety and welfare of
30 the public schools of the district who shall serve at the board's
31 pleasure: PROVIDED, That children shall not be required to submit to
32 vaccination against the will of their parents or guardian.

33 NEW SECTION. Sec. 416. RCW 28A.305.220 is recodified as a new
34 section in chapter 28A.230 RCW.

35 NEW SECTION. Sec. 417. RCW 28A.305.170 is recodified as a new
36 section in chapter 28A.300 RCW.

1 PART 5

2 SCHOOL DISTRICT BOUNDARIES

3 Sec. 501. RCW 28A.315.175 and 1999 c 315 s 302 are each amended to
4 read as follows:

5 ~~((The powers and duties of the state board with respect to this
6 chapter shall be))~~ The superintendent of public instruction shall:

7 (1) ~~((To))~~ Aid regional committees in the performance of their
8 duties by furnishing them with plans of procedure, standards, data,
9 maps, forms, and other necessary materials and services essential to a
10 study and understanding of the problems of school district organization
11 in their respective educational service districts((-)); and

12 (2) ~~((To hear appeals as provided in RCW 28A.315.205))~~ Carry out
13 powers and duties of the superintendent of public instruction relating
14 to the organization and reorganization of school districts.

15 Sec. 502. RCW 28A.315.195 and 2003 c 413 s 2 are each amended to
16 read as follows:

17 (1) A proposed change in school district organization by transfer
18 of territory from one school district to another may be initiated by a
19 petition in writing presented to the educational service district
20 superintendent:

21 (a) Signed by at least fifty percent plus one of the active
22 registered voters residing in the territory proposed to be transferred;
23 or

24 (b) Signed by a majority of the members of the board of directors
25 of one of the districts affected by a proposed transfer of territory.

26 (2) The petition shall state the name and number of each district
27 affected, describe the boundaries of the territory proposed to be
28 transferred, and state the reasons for desiring the change and the
29 number of children of school age, if any, residing in the territory.

30 (3) The educational service district superintendent shall not
31 complete any transfer of territory under this section that involves ten
32 percent or more of the common school student population of the entire
33 district from which the transfer is proposed, unless the educational
34 service district superintendent has first called and held a special
35 election of the voters of the entire school district from which the
36 transfer of territory is proposed. The purpose of the election is to

1 afford those voters an opportunity to approve or reject the proposed
2 transfer. A simple majority shall determine approval or rejection.

3 (4) The (~~state board~~) superintendent of public instruction may
4 establish rules limiting the frequency of petitions that may be filed
5 pertaining to territory included in whole or in part in a previous
6 petition.

7 (5) Upon receipt of the petition, the educational service district
8 superintendent shall notify in writing the affected districts that:

9 (a) Each school district board of directors, whether or not
10 initiating a proposed transfer of territory, is required to enter into
11 negotiations with the affected district or districts;

12 (b) In the case of a citizen-initiated petition, the affected
13 districts must negotiate on the entire proposed transfer of territory;

14 (c) The districts have ninety calendar days in which to agree to
15 the proposed transfer of territory;

16 (d) The districts may request and shall be granted by the
17 educational service district superintendent one thirty-day extension to
18 try to reach agreement; and

19 (e) Any district involved in the negotiations may at any time
20 during the ninety-day period notify the educational service district
21 superintendent in writing that agreement will not be possible.

22 (6) If the negotiating school boards cannot come to agreement about
23 the proposed transfer of territory, the educational service district
24 superintendent, if requested by the affected districts, shall appoint
25 a mediator. The mediator has thirty days to work with the affected
26 school districts to see if an agreement can be reached on the proposed
27 transfer of territory.

28 (7) If the affected school districts cannot come to agreement about
29 the proposed transfer of territory, and the districts do not request
30 the services of a mediator or the mediator was unable to bring the
31 districts to agreement, either district may file with the educational
32 service district superintendent a written request for a hearing by the
33 regional committee.

34 (8) If the affected school districts cannot come to agreement about
35 the proposed transfer of territory initiated by citizen petition, and
36 the districts do not request the services of a mediator or the mediator
37 was unable to bring the districts to agreement, the district in which
38 the citizens who filed the petition reside shall file with the

1 educational service district superintendent a written request for a
2 hearing by the regional committee, unless a majority of the citizen
3 petitioners request otherwise.

4 (9) Upon receipt of a notice under subsection (7) or (8) of this
5 section, the educational service district superintendent shall notify
6 the chair of the regional committee in writing within ten days.

7 (10) Costs incurred by school districts under this section shall be
8 reimbursed by the state from such funds as are appropriated for this
9 purpose.

10 **Sec. 503.** RCW 28A.315.205 and 2003 c 413 s 1 are each amended to
11 read as follows:

12 (1) The chair of the regional committee shall schedule a hearing on
13 the proposed transfer of territory at a location in the educational
14 service district within sixty calendar days of being notified under RCW
15 28A.315.195 (7) or (8).

16 (2) Within thirty calendar days of the hearing under subsection (1)
17 of this section, or final hearing if more than one is held by the
18 committee, the committee shall issue its written findings and decision
19 to approve or disapprove the proposed transfer of territory. The
20 educational service district superintendent shall transmit a copy of
21 the committee's decision to the superintendents of the affected school
22 districts within ten calendar days.

23 (3) In carrying out the purposes of RCW 28A.315.015 and in making
24 decisions as authorized under RCW 28A.315.095(1), the regional
25 committee shall base its judgment upon whether and to the extent the
26 proposed change in school district organization complies with RCW
27 28A.315.015(2) and rules adopted by the (~~state board~~) superintendent
28 of public instruction under chapter 34.05 RCW.

29 (4) (~~State board~~) The rules under subsection (3) of this section
30 shall provide for giving consideration to all of the following:

31 (a) Student educational opportunities as measured by the percentage
32 of students performing at each level of the statewide mandated
33 assessments and data regarding student attendance, graduation, and
34 dropout rates;

35 (b) The safety and welfare of pupils. For the purposes of this
36 subsection, "safety" means freedom or protection from danger, injury,

1 or damage and "welfare" means a positive condition or influence
2 regarding health, character, and well-being;

3 (c) The history and relationship of the property affected to the
4 students and communities affected, including, for example, inclusion
5 within a single school district, for school attendance and
6 corresponding tax support purposes, of entire master planned
7 communities that were or are to be developed pursuant to an integrated
8 commercial and residential development plan with over one thousand
9 dwelling units;

10 (d) Whether or not geographic accessibility warrants a favorable
11 consideration of a recommended change in school district organization,
12 including remoteness or isolation of places of residence and time
13 required to travel to and from school; and

14 (e) All funding sources of the affected districts, equalization
15 among school districts of the tax burden for general fund and capital
16 purposes through a reduction in disparities in per pupil valuation when
17 all funding sources are considered, improvement in the economies in the
18 administration and operation of schools, and the extent the proposed
19 change would potentially reduce or increase the individual and
20 aggregate transportation costs of the affected school districts.

21 (5)(a)(i) A petitioner or school district may appeal a decision by
22 the regional committee to the (~~state board~~) superintendent of public
23 instruction based on the claim that the regional committee failed to
24 follow the applicable statutory and regulatory procedures or acted in
25 an arbitrary and capricious manner. Any such appeal shall be based on
26 the record and the appeal must be filed within thirty days of the final
27 decision of the regional committee. The appeal shall be heard and
28 determined by an administrative law judge in the office of
29 administrative hearings, based on the standards in (a)(ii) of this
30 subsection.

31 (ii) If the (~~state board~~) administrative law judge finds that all
32 applicable procedures were not followed or that the regional committee
33 acted in an arbitrary and capricious manner, (~~it~~) the administrative
34 law judge shall refer the matter back to the regional committee with an
35 explanation of (~~the board's~~) his or her findings. The regional
36 committee shall rehear the proposal.

37 (iii) If the (~~state board~~) administrative law judge finds that
38 all applicable procedures were followed or that the regional committee

1 did not act in an arbitrary and capricious manner, depending on the
2 appeal, the educational service district shall be notified and directed
3 to implement the changes.

4 (b) Any school district or citizen petitioner affected by a final
5 decision of the regional committee may seek judicial review of the
6 committee's decision in accordance with RCW 34.05.570.

7 **Sec. 504.** RCW 28A.315.015 and 1999 c 315 s 101 are each amended to
8 read as follows:

9 (1) It is the purpose of this chapter to:

10 (a) Incorporate into a single, comprehensive, school district
11 organization law all essential provisions governing:

12 (i) The formation and establishment of new school districts;

13 (ii) The alteration of the boundaries of existing districts; and

14 (iii) The adjustment of the assets and liabilities of school
15 districts when changes are made under this chapter; and

16 (b) Establish methods and procedures whereby changes in the school
17 district system may be brought about by the people concerned and
18 affected.

19 (2) It is the state's policy that decisions on proposed changes in
20 school district organization should be made, whenever possible, by
21 negotiated agreement between the affected school districts. If the
22 districts cannot agree, the decision shall be made by the regional
23 committees on school district organization, based on the committees'
24 best judgment, taking into consideration the following factors and
25 factors under RCW 28A.315.205:

26 (a) A balance of local petition requests and the needs of the
27 statewide community at large in a manner that advances the best
28 interest of public education in the affected school districts and
29 communities, the educational service district, and the state;

30 (b) Responsibly serving all of the affected citizens and students
31 by contributing to logical service boundaries and recognizing a
32 changing economic pattern within the educational service districts of
33 the state;

34 (c) Enhancing the educational opportunities of pupils in the
35 territory by reducing existing disparities among the affected school
36 districts' ability to provide operating and capital funds through an

1 equitable adjustment of the assets and liabilities of the affected
2 districts;

3 (d) Promoting a wiser use of public funds through improvement in
4 the school district system of the educational service districts and the
5 state; and

6 (e) Other criteria or considerations as may be established in rule
7 by the (~~state board of education~~) superintendent of public
8 instruction.

9 (3) It is neither the intent nor purpose of this chapter to apply
10 to organizational changes and the procedure therefor relating to
11 capital fund aid by nonhigh school districts as provided for in chapter
12 28A.540 RCW.

13 **Sec. 505.** RCW 28A.315.025 and 1990 c 33 s 293 are each amended to
14 read as follows:

15 As used in this chapter:

16 (1) "Change in the organization and extent of school districts"
17 means the formation and establishment of new school districts, the
18 dissolution of existing school districts, the alteration of the
19 boundaries of existing school districts, or all of them.

20 (2) "Regional committee" means the regional committee on school
21 district organization created by this chapter.

22 (~~(3) ("State board" means the state board of education.~~

23 ~~(4))~~ (4) "School district" means the territory under the jurisdiction
24 of a single governing board designated and referred to as the board of
25 directors.

26 ~~((5))~~ (4) "Educational service district superintendent" means the
27 educational service district superintendent as provided for in RCW
28 28A.310.170 or his or her designee.

29 **Sec. 506.** RCW 28A.315.055 and 1999 c 315 s 203 are each amended to
30 read as follows:

31 In case the boundaries of any of the school districts are
32 conflicting or incorrectly described, the educational service district
33 board of directors, after due notice and a public hearing, shall
34 change, harmonize, and describe them and shall so certify, with a
35 complete transcript of boundaries of all districts affected, such
36 action to the (~~state board~~) superintendent of public instruction for

1 ((its)) approval or revision. Upon receipt of notification of ((state
2 board)) action by the superintendent of public instruction, the
3 educational service district superintendent shall transmit to the
4 county legislative authority of the county or counties in which the
5 affected districts are located a complete transcript of the boundaries
6 of all districts affected.

7 **Sec. 507.** RCW 28A.315.085 and 2005 c 497 s 405 are each amended to
8 read as follows:

9 (1) The superintendent of public instruction shall furnish ((to the
10 state board and)) to regional committees the services of employed
11 personnel and the materials and supplies necessary to enable them to
12 perform the duties imposed upon them by this chapter ((and)). Members
13 shall be reimbursed ((the members thereof)) for expenses necessarily
14 incurred by them in the performance of their duties((, such
15 reimbursement for regional committee members to be)) in accordance with
16 RCW 28A.315.155((, and such reimbursement for state board members to be
17 in accordance with RCW 28A.305.011)).

18 (2) Costs that may be incurred by an educational service district
19 in association with school district negotiations under RCW 28A.315.195
20 and supporting the regional committee under RCW 28A.315.205 shall be
21 reimbursed by the state from such funds as are appropriated for these
22 purposes.

23 **Sec. 508.** RCW 28A.315.125 and 1993 c 416 s 2 are each amended to
24 read as follows:

25 The members of each regional committee shall be elected in the
26 following manner:

27 (1) On or before the 25th day of September, 1994, and not later
28 than the 25th day of September of every subsequent even-numbered year,
29 each superintendent of an educational service district shall call an
30 election to be held in each educational service district within which
31 resides a member of a regional committee whose term of office expires
32 on the second Monday of January next following, and shall give written
33 notice thereof to each member of the board of directors of each school
34 district in the educational service district. Such notice shall
35 include instructions, and the rules ((and regulations)) established by
36 the ((state board of education)) superintendent of public instruction

1 for the conduct of the election. The (~~state board of education~~)
2 superintendent of public instruction is (~~hereby~~) empowered to adopt
3 rules pursuant to chapter 34.05 RCW which establish standards and
4 procedures which the (~~state board~~) superintendent deems necessary to
5 conduct elections pursuant to this section; to conduct run-off
6 elections in the event an election for a position is indecisive; and to
7 decide run-off elections which result in tie votes, in a fair and
8 orderly manner.

9 (2) Candidates for membership on a regional committee shall file a
10 declaration of candidacy with the superintendent of the educational
11 service district wherein they reside. Declarations of candidacy may be
12 filed by person or by mail not earlier than the 1st day of October, and
13 not later than the 15th day of October of each even-numbered year. The
14 superintendent may not accept any declaration of candidacy that is not
15 on file in his or her office or not postmarked before the 16th day of
16 October, or if not postmarked or the postmark is not legible, if
17 received by mail after the 20th day of October of each even-numbered
18 year.

19 (3) Each member of the regional committee shall be elected by a
20 majority of the votes cast for all candidates for the position by the
21 members of the boards of directors of school districts in the
22 educational service district. All votes shall be cast by mail ballot
23 addressed to the superintendent of the educational service district
24 wherein the school director resides. No votes shall be accepted for
25 counting if postmarked after the 16th day of November or if not
26 postmarked or the postmark is not legible, if received by mail after
27 the 21st day of November of each even-numbered year. An election board
28 comprised of three persons appointed by the board of the educational
29 service district shall count and tally the votes not later than the
30 25th day of November or the next business day if the 25th falls on a
31 Saturday, Sunday, or legal holiday of each even-numbered year. Each
32 vote cast by a school director shall be recorded as one vote. Within
33 ten days following the count of votes, the educational service district
34 superintendent shall certify to the superintendent of public
35 instruction the name or names of the person(s) elected to be members of
36 the regional committee.

37 (4) In the event of a change in the number of educational service
38 districts or in the number of educational service district board

1 members pursuant to chapter 28A.310 RCW a new regional committee shall
2 be elected for each affected educational service district at the next
3 election conducted pursuant to this section. Those persons who were
4 serving on a regional committee within an educational service district
5 affected by a change in the number of districts or board members shall
6 continue to constitute the regional committee for the educational
7 service district within which they are registered to vote until the
8 majority of a new board has been elected and certified.

9 (5) No member of a regional committee shall continue to serve
10 thereon if he or she ceases to be a registered voter of the educational
11 service district board member district or if he or she is absent from
12 three consecutive meetings of the committee without an excuse
13 acceptable to the committee.

14 **Sec. 509.** RCW 28A.315.185 and 1999 c 315 s 303 are each amended to
15 read as follows:

16 To the extent funds are appropriated, the superintendent of public
17 instruction, in cooperation with the educational service districts and
18 the Washington state school directors' association, shall conduct an
19 annual training meeting for the regional committees, (~~state board~~
20 ~~members,~~) educational service district superintendents, and local
21 school district superintendents and boards of directors. Training may
22 also be provided upon request.

23 **PART 6**

24 **EDUCATIONAL SERVICE DISTRICTS**

25 **Sec. 601.** RCW 28A.305.210 and 2005 c 518 s 913 are each amended to
26 read as follows:

27 (1) (~~The state board of education, by rule or regulation, may~~
28 ~~require the assistance of educational service district boards and/or~~
29 ~~superintendents in the performance of any duty, authority, or power~~
30 ~~imposed upon or granted to the state board of education by law, upon~~
31 ~~such terms and conditions as the state board of education shall~~
32 ~~establish. Such authority to assist the state board of education shall~~
33 ~~be limited to the service function of information collection and~~
34 ~~dissemination and the attestment to the accuracy and completeness of~~
35 ~~submitted information.~~

1 ~~(2)~~) During the 2005-2007 biennium, educational service districts
2 may, at the request of the state board of education, receive and screen
3 applications for school accreditation, conduct school accreditation
4 site visits pursuant to state board of education rules, and submit to
5 the state board of education postsite visit recommendations for school
6 accreditation. The educational service districts may assess a
7 cooperative service fee to recover actual plus reasonable indirect
8 costs for the purposes of this subsection.

9 (2) This section expires July 1, 2007.

10 **Sec. 602.** RCW 28A.310.080 and 1977 ex.s. c 283 s 15 are each
11 amended to read as follows:

12 ~~((On or before the twenty-fifth day of August, 1978, and))~~ Not
13 later than the twenty-fifth day of August of every ~~((subsequent))~~ even-
14 numbered year, the ~~((secretary to the state board of education))~~
15 superintendent of public instruction shall call an election to be held
16 in each educational service district within which resides a member of
17 the board of the educational service district whose term of office
18 expires on the second Monday of January next following, and shall give
19 written notice thereof to each member of the board of directors of each
20 school district in such educational service district. Such notice
21 shall include instructions~~((,))~~ and rules~~((, and regulations))~~
22 established by the ~~((state board of education))~~ superintendent of
23 public instruction for the conduct of the election.

24 **Sec. 603.** RCW 28A.310.030 and 1990 c 33 s 271 are each amended to
25 read as follows:

26 Except as otherwise provided in this chapter, in each educational
27 service district there shall be an educational service district board
28 consisting of seven members elected by the school directors of the
29 educational service district, one from each of seven educational
30 service district board-member districts. Board-member districts in
31 districts reorganized ~~((under RCW 28A.310.020))~~ through legislative
32 action, or as provided for in RCW 28A.310.120 and under this section,
33 shall be initially determined by the ~~((state board of education))~~
34 superintendent of public instruction. If a reorganization pursuant to
35 ~~((RCW 28A.310.020))~~ legislative action places the residence of a board
36 member into another or newly created educational service district, such

1 member shall serve on the board of the educational service district of
2 residence and at the next election called by the (~~secretary to the~~
3 ~~state board of education~~) superintendent of public instruction
4 pursuant to RCW 28A.310.080 a new seven member board shall be elected.
5 If the redrawing of board-member district boundaries pursuant to this
6 chapter shall cause the resident board-member district of two or more
7 board members to coincide, such board members shall continue to serve
8 on the board and at the next election called by the (~~secretary to the~~
9 ~~state board of education~~) superintendent of public instruction a new
10 board shall be elected. The board-member districts shall be arranged
11 so far as practicable on a basis of equal population, with
12 consideration being given existing board members of existing
13 educational service district boards. Each educational service district
14 board member shall be elected by the school directors of each school
15 district within the educational service district. Beginning in 1971
16 and every ten years thereafter, educational service district boards
17 shall review and, if necessary, shall change the boundaries of board-
18 member districts so as to provide so far as practicable equal
19 representation according to population of such board-member districts
20 and to conform to school district boundary changes: PROVIDED, That all
21 board-member district boundaries, to the extent necessary to conform
22 with this chapter, shall be immediately redrawn for the purposes of the
23 next election called by the (~~secretary to the state board of~~
24 ~~education~~) superintendent of public instruction following any
25 reorganization pursuant to this chapter. Such district board, if
26 failing to make the necessary changes prior to June 1st of the
27 appropriate year, shall refer for settlement questions on board-member
28 district boundaries to the (~~state board of education~~) office of the
29 superintendent of public instruction, which, after a public hearing,
30 shall decide such questions.

31 **Sec. 604.** RCW 28A.310.050 and 1977 ex.s. c 283 s 19 are each
32 amended to read as follows:

33 Any educational service district board may elect by resolution of
34 the board to increase the board member size to nine board members. In
35 such case positions number eight and nine shall be filled at the next
36 election called by the (~~secretary to the state board of education~~)
37 superintendent of public instruction, position numbered eight to be for

1 a term of two years, position numbered nine to be for a term of four
2 years. Thereafter the terms for such positions shall be for four
3 years.

4 **Sec. 605.** RCW 28A.310.060 and 1977 ex.s. c 283 s 20 are each
5 amended to read as follows:

6 The term of every educational service district board member shall
7 begin on the second Monday in January next following the election at
8 which he or she was elected: PROVIDED, That a person elected to less
9 than a full term pursuant to this section shall take office as soon as
10 the election returns have been certified and he or she has qualified.
11 In the event of a vacancy in the board from any cause, such vacancy
12 shall be filled by appointment of a person from the same board-member
13 district by the educational service district board. In the event that
14 there are more than three vacancies in a seven-member board or four
15 vacancies in a nine-member board, the (~~state board of education~~)
16 superintendent of public instruction shall fill by appointment
17 sufficient vacancies so that there shall be a quorum of the board
18 serving. Each appointed board member shall serve until his or her
19 successor has been elected at the next election called by the
20 (~~secretary to the state board of education~~) superintendent of public
21 instruction and has qualified.

22 **Sec. 606.** RCW 28A.310.090 and 1977 ex.s. c 283 s 16 are each
23 amended to read as follows:

24 Candidates for membership on an educational service district board
25 shall file declarations of candidacy with the (~~secretary to the state~~
26 ~~board of education~~) superintendent of public instruction on forms
27 prepared by the (~~secretary~~) superintendent. Declarations of
28 candidacy may be filed by person or by mail not earlier than the first
29 day of September, nor later than the sixteenth day of September. The
30 (~~secretary to the state board of education~~) superintendent may not
31 accept any declaration of candidacy that is not on file in his or her
32 office or is not postmarked before the seventeenth day of September.

33 **Sec. 607.** RCW 28A.310.100 and 1980 c 179 s 7 are each amended to
34 read as follows:

35 Each member of an educational service district board shall be

1 elected by a majority of the votes cast at the election for all
2 candidates for the position. All votes shall be cast by mail addressed
3 to the (~~secretary to the state board of education~~) superintendent of
4 public instruction and no votes shall be accepted for counting if
5 postmarked after the sixteenth day of October or if not postmarked or
6 the postmark is not legible, if received by mail after the twenty-first
7 day of October following the call of the election. The (~~secretary to~~
8 ~~the state board of education~~) superintendent of public instruction and
9 an election board comprised of three persons appointed by the (~~state~~
10 ~~board of education~~) superintendent shall count and tally the votes not
11 later than the twenty-fifth day of October in the following manner:
12 Each vote cast by a school director shall be accorded as one vote. If
13 no candidate receives a majority of the votes cast, then, not later
14 than the first day of November, the (~~secretary to the state board of~~
15 ~~education~~) superintendent of public instruction shall call a second
16 election to be conducted in the same manner and at which the candidates
17 shall be the two candidates receiving the highest number of votes cast.
18 No vote cast at such second election shall be received for counting if
19 postmarked after the sixteenth day of November or if not postmarked or
20 the postmark is not legible, if received by mail after the twenty-first
21 day of November and the votes shall be counted as hereinabove provided
22 on the twenty-fifth day of November. The candidate receiving a
23 majority of votes at any such second election shall be declared
24 elected. In the event of a tie in such second election, the candidate
25 elected shall be determined by a chance drawing of a nature established
26 by the (~~secretary to the state board of education~~) superintendent of
27 public instruction. Within ten days following the count of votes in an
28 election at which a member of an educational service district board is
29 elected, the (~~secretary to the state board of education~~)
30 superintendent of public instruction shall certify to the county
31 auditor of the headquarters county of the educational service district
32 the name or names of the persons elected to be members of the
33 educational service district board.

34 **Sec. 608.** RCW 28A.310.140 and 1990 c 33 s 274 are each amended to
35 read as follows:

36 Every school district must be included entirely within a single
37 educational service district. If the boundaries of any school district

1 within an educational service district are changed in any manner so as
2 to extend the school district beyond the boundaries of that educational
3 service district, the (~~state board~~) superintendent of public
4 instruction shall change the boundaries of the educational service
5 districts so affected in a manner consistent with the purposes of RCW
6 28A.310.010 and this section.

7 **Sec. 609.** RCW 28A.310.150 and 1990 c 33 s 275 are each amended to
8 read as follows:

9 Every candidate for membership on a educational service district
10 board shall be a registered voter and a resident of the board-member
11 district for which such candidate files. On or before the date for
12 taking office, every member shall make an oath or affirmation to
13 support the Constitution of the United States and the state of
14 Washington and to faithfully discharge the duties of the office
15 according to the best of such member's ability. The members of the
16 board shall not be required to give bond unless so directed by the
17 (~~state board of education~~) superintendent of public instruction. At
18 the first meeting of newly elected members and after the qualification
19 for office of the newly elected members, each educational service
20 district board shall reorganize by electing a chair and a vice chair.
21 A majority of all of the members of the board shall constitute a
22 quorum.

23 **Sec. 610.** RCW 28A.310.200 and 2001 c 143 s 1 are each amended to
24 read as follows:

25 In addition to other powers and duties as provided by law, every
26 educational service district board shall:

27 (1) Approve the budgets of the educational service district in
28 accordance with the procedures provided for in this chapter(~~(-)~~);

29 (2) Meet regularly according to the schedule adopted at the
30 organization meeting and in special session upon the call of the chair
31 or a majority of the board(~~(-)~~);

32 (3) Approve the selection of educational service district personnel
33 and clerical staff as provided in RCW 28A.310.230(~~(-)~~);

34 (4) Fix the amount of and approve the bonds for those educational
35 service district employees designated by the board as being in need of
36 bonding(~~(-)~~);

1 (5) Keep in the educational service district office a full and
2 correct transcript of the boundaries of each school district within the
3 educational service district~~((-))~~;

4 (6) Acquire by borrowing funds or by purchase, lease, devise,
5 bequest, and gift and otherwise contract for real and personal property
6 necessary for the operation of the educational service district and to
7 the execution of the duties of the board and superintendent thereof and
8 sell, lease, or otherwise dispose of that property not necessary for
9 district purposes. No real property shall be acquired or alienated
10 without the prior approval of the ~~((state board of education))~~
11 superintendent of public instruction and the acquisition or alienation
12 of all such property shall be subject to such provisions as the
13 ~~((board))~~ superintendent may establish. When borrowing funds for the
14 purpose of acquiring property, the educational service district board
15 shall pledge as collateral the property to be acquired. Borrowing
16 shall be evidenced by a note or other instrument between the district
17 and the lender~~((-))~~;

18 (7) Under RCW 28A.310.010, upon the written request of the board of
19 directors of a local school district or districts served by the
20 educational service district, the educational service district board of
21 directors may provide cooperative and informational services not in
22 conflict with other law that provide for the development and
23 implementation of programs, activities, services, or practices that
24 support the education of preschool through twelfth grade students in
25 the public schools or that support the effective, efficient, or safe
26 management and operation of the school district or districts served by
27 the educational service district~~((-))~~;

28 (8) Adopt such bylaws and rules ~~((and regulations))~~ for its own
29 operation as it deems necessary or appropriate~~((-))~~; and

30 (9) Enter into contracts, including contracts with common and
31 educational service districts and the school for the deaf and the
32 school for the blind for the joint financing of cooperative service
33 programs conducted pursuant to RCW 28A.310.180(3), and employ
34 consultants and legal counsel relating to any of the duties, functions,
35 and powers of the educational service districts.

36 **Sec. 611.** RCW 28A.310.310 and 1990 c 33 s 284 are each amended to
37 read as follows:

1 The educational service district board shall designate the
2 headquarters office of the educational service district. Educational
3 service districts shall provide for their own office space, heating,
4 contents insurance, electricity, and custodial services, which may be
5 obtained through contracting with any board of county commissioners.
6 Official records of the educational service district board and
7 superintendent, including each of the county superintendents abolished
8 by chapter 176, Laws of 1969 ex. sess., shall be kept by the
9 educational service district superintendent. Whenever the boundaries
10 of any of the educational service districts are reorganized pursuant to
11 (~~RCW 28A.310.020~~) legislative action, the (~~state board of~~
12 ~~education~~) superintendent of public instruction shall supervise the
13 transferral of such records so that each educational service district
14 superintendent shall receive those records relating to school districts
15 within the appropriate educational service district.

16 **Sec. 612.** RCW 28A.323.020 and 1985 c 385 s 25 are each amended to
17 read as follows:

18 The duties in this chapter imposed upon and required to be
19 performed by a regional committee and by an educational service
20 district superintendent in connection with a change in the organization
21 and extent of school districts and/or with the adjustment of the assets
22 and liabilities of school districts and with all matters related to
23 such change or adjustment whenever territory lying in a single
24 educational service district is involved shall be performed jointly by
25 the regional committees and by the superintendents of the several
26 educational service districts as required whenever territory lying in
27 more than one educational service district is involved in a proposed
28 change in the organization and extent of school districts: PROVIDED,
29 That a regional committee may designate three of its members, or two of
30 its members and the educational service district superintendent, as a
31 subcommittee to serve in lieu of the whole committee, but action by a
32 subcommittee shall not be binding unless approved by a majority of the
33 regional committee. Proposals for changes in the organization and
34 extent of school districts and proposed terms of adjustment of assets
35 and liabilities thus prepared and approved shall be submitted to the
36 (~~state board~~) superintendent of public instruction by the regional

1 committee of the educational service district in which is located the
2 part of the proposed or enlarged district having the largest number of
3 common school pupils residing therein.

4 **Sec. 613.** RCW 28A.323.040 and 1973 c 47 s 3 are each amended to
5 read as follows:

6 For all purposes essential to the maintenance, operation, and
7 administration of the schools of a district, including the
8 apportionment of current state and county school funds, the county in
9 which a joint school district shall be considered as belonging shall be
10 as designated by the (~~state board of education~~) superintendent of
11 public instruction. Prior to making such designation, the (~~state~~
12 ~~board of education~~) superintendent of public instruction shall hold at
13 least one public hearing on the matter, at which time the
14 recommendation of the joint school district shall be presented and, in
15 addition to such recommendation, the (~~state board~~) superintendent
16 shall consider the following prior to its designation:

- 17 (1) Service needs of such district;
- 18 (2) Availability of services;
- 19 (3) Geographic location of district and servicing agencies; and
- 20 (4) Relationship to contiguous school districts.

21 NEW SECTION. **Sec. 614.** RCW 28A.310.020 (Changes in number of,
22 boundaries--Initiating, hearings, considerations--Superintendent's
23 duties) and 1994 sp.s. c 6 s 513, 1993 sp.s. c 24 s 522, 1990 c 33 s
24 270, 1977 ex.s. c 283 s 2, 1971 ex.s. c 282 s 2, & 1969 ex.s. c 176 s
25 2 are each repealed.

26 **PART 7**
27 **STUDENTS**

28 **Sec. 701.** RCW 28A.305.160 and 1996 c 321 s 2 are each amended to
29 read as follows:

- 30 (1) The (~~state board of education~~) superintendent of public
31 instruction shall adopt and distribute to all school districts lawful
32 and reasonable rules prescribing the substantive and procedural due
33 process guarantees of pupils in the common schools. Such rules shall
34 authorize a school district to use informal due process procedures in

1 connection with the short-term suspension of students to the extent
2 constitutionally permissible: PROVIDED, That the (~~state board~~)
3 superintendent of public instruction deems the interest of students to
4 be adequately protected. When a student suspension or expulsion is
5 appealed, the rules shall authorize a school district to impose the
6 suspension or expulsion temporarily after an initial hearing for no
7 more than ten consecutive school days or until the appeal is decided,
8 whichever is earlier. Any days that the student is temporarily
9 suspended or expelled before the appeal is decided shall be applied to
10 the term of the student suspension or expulsion and shall not limit or
11 extend the term of the student suspension or expulsion.

12 (2) Short-term suspension procedures may be used for suspensions of
13 students up to and including, ten consecutive school days.

14 **Sec. 702.** RCW 28A.150.300 and 1993 c 68 s 1 are each amended to
15 read as follows:

16 The use of corporal punishment in the common schools is prohibited.
17 The (~~state board of education, in consultation with the~~)
18 superintendent of public instruction(~~(7)~~) shall develop and adopt a
19 policy prohibiting the use of corporal punishment in the common
20 schools. The policy shall be adopted (~~by the state board of education~~
21 ~~no later than February 1, 1994,~~) and (~~shall take effect~~) implemented
22 in all school districts (~~September 1, 1994~~).

23 **Sec. 703.** RCW 28A.225.160 and 1999 c 348 s 5 are each amended to
24 read as follows:

25 Except as otherwise provided by law, it is the general policy of
26 the state that the common schools shall be open to the admission of all
27 persons who are five years of age and less than twenty-one years
28 residing in that school district. Except as otherwise provided by law
29 or rules adopted by the (~~state board of education~~) superintendent of
30 public instruction, districts may establish uniform entry
31 qualifications, including but not limited to birth date requirements,
32 for admission to kindergarten and first grade programs of the common
33 schools. Such rules may provide for exceptions based upon the ability,
34 or the need, or both, of an individual student. For the purpose of
35 complying with any rule adopted by the (~~state board of education~~
36 ~~which~~) superintendent of public instruction that authorizes a

1 preadmission screening process as a prerequisite to granting exceptions
2 to the uniform entry qualifications, a school district may collect fees
3 to cover expenses incurred in the administration of any preadmission
4 screening process: PROVIDED, That in so establishing such fee or fees,
5 the district shall adopt regulations for waiving and reducing such fees
6 in the cases of those persons whose families, by reason of their low
7 income, would have difficulty in paying the entire amount of such fees.

8 NEW SECTION. **Sec. 704.** A new section is added to chapter 28A.300
9 RCW to read as follows:

10 The superintendent of public instruction shall adopt rules relating
11 to pupil tests and records.

12 **Sec. 705.** RCW 28A.300.150 and 1994 c 245 s 8 are each amended to
13 read as follows:

14 The superintendent of public instruction shall collect and
15 disseminate to school districts information on child abuse and neglect
16 prevention curriculum and shall adopt rules dealing with the prevention
17 of child abuse for purposes of curriculum use in the common schools.
18 The superintendent of public instruction and the departments of social
19 and health services and community, trade, and economic development
20 shall share relevant information.

21 **Sec. 706.** RCW 28A.600.020 and 1997 c 266 s 11 are each amended to
22 read as follows:

23 (1) The rules adopted pursuant to RCW 28A.600.010 shall be
24 interpreted to (~~insure~~) ensure that the optimum learning atmosphere
25 of the classroom is maintained, and that the highest consideration is
26 given to the judgment of qualified certificated educators regarding
27 conditions necessary to maintain the optimum learning atmosphere.

28 (2) Any student who creates a disruption of the educational process
29 in violation of the building disciplinary standards while under a
30 teacher's immediate supervision may be excluded by the teacher from his
31 or her individual classroom and instructional or activity area for all
32 or any portion of the balance of the school day, or up to the following
33 two days, or until the principal or designee and teacher have
34 conferred, whichever occurs first. Except in emergency circumstances,
35 the teacher first must attempt one or more alternative forms of

1 corrective action. In no event without the consent of the teacher may
2 an excluded student return to the class during the balance of that
3 class or activity period or up to the following two days, or until the
4 principal or his or her designee and the teacher have conferred.

5 (3) In order to preserve a beneficial learning environment for all
6 students and to maintain good order and discipline in each classroom,
7 every school district board of directors shall provide that written
8 procedures are developed for administering discipline at each school
9 within the district. Such procedures shall be developed with the
10 participation of parents and the community, and shall provide that the
11 teacher, principal or designee, and other authorities designated by the
12 board of directors, make every reasonable attempt to involve the parent
13 or guardian and the student in the resolution of student discipline
14 problems. Such procedures shall provide that students may be excluded
15 from their individual classes or activities for periods of time in
16 excess of that provided in subsection (2) of this section if such
17 students have repeatedly disrupted the learning of other students. The
18 procedures must be consistent with the rules of the (~~state board of~~
19 ~~education~~) superintendent of public instruction and must provide for
20 early involvement of parents in attempts to improve the student's
21 behavior.

22 (4) The procedures shall assure, pursuant to RCW 28A.400.110, that
23 all staff work cooperatively toward consistent enforcement of proper
24 student behavior throughout each school as well as within each
25 classroom.

26 (5) A principal shall consider imposing long-term suspension or
27 expulsion as a sanction when deciding the appropriate disciplinary
28 action for a student who, after July 27, 1997:

29 (a) Engages in two or more violations within a three-year period of
30 RCW 9A.46.120, 28A.320.135, 28A.600.455, 28A.600.460, 28A.635.020,
31 28A.600.020, 28A.635.060, 9.41.280, or 28A.320.140; or

32 (b) Engages in one or more of the offenses listed in RCW 13.04.155.

33 The principal shall communicate the disciplinary action taken by
34 the principal to the school personnel who referred the student to the
35 principal for disciplinary action.

36 **Sec. 707.** RCW 28A.600.030 and 1990 c 33 s 498 are each amended to
37 read as follows:

1 Each school district board of directors may establish student
2 grading policies which permit teachers to consider a student's
3 attendance in determining the student's overall grade or deciding
4 whether the student should be granted or denied credit. Such policies
5 shall take into consideration the circumstances pertaining to the
6 student's inability to attend school. However, no policy shall be
7 adopted whereby a grade shall be reduced or credit shall be denied for
8 disciplinary reasons only, rather than for academic reasons, unless due
9 process of law is provided as set forth by the (~~state board of~~
10 ~~education~~) superintendent of public instruction under RCW 28A.305.160
11 (as recodified by this act).

12 NEW SECTION. Sec. 708. RCW 28A.305.160 is recodified as a new
13 section in chapter 28A.600 RCW.

14 **PART 8**

15 **TRANSFER OF PROFESSIONAL EDUCATOR STANDARDS BOARD DUTIES**

16 **Sec. 801.** RCW 28A.625.360 and 1990 1st ex.s. c 10 s 2 are each
17 amended to read as follows:

18 (1) The (~~state board of education~~) professional educator
19 standards board shall establish an annual award program for excellence
20 in teacher preparation to recognize higher education teacher educators
21 for their leadership, contributions, and commitment to education.

22 (2) The program shall recognize annually one teacher preparation
23 faculty member from one of the teacher preparation programs approved by
24 the (~~state board of education~~) professional educator standards board.

25 **Sec. 802.** RCW 28A.225.330 and 1999 c 198 s 3 are each amended to
26 read as follows:

27 (1) When enrolling a student who has attended school in another
28 school district, the school enrolling the student may request the
29 parent and the student to briefly indicate in writing whether or not
30 the student has:

- 31 (a) Any history of placement in special educational programs;
- 32 (b) Any past, current, or pending disciplinary action;
- 33 (c) Any history of violent behavior, or behavior listed in RCW
34 13.04.155;

1 (d) Any unpaid fines or fees imposed by other schools; and

2 (e) Any health conditions affecting the student's educational
3 needs.

4 (2) The school enrolling the student shall request the school the
5 student previously attended to send the student's permanent record
6 including records of disciplinary action, history of violent behavior
7 or behavior listed in RCW 13.04.155, attendance, immunization records,
8 and academic performance. If the student has not paid a fine or fee
9 under RCW 28A.635.060, or tuition, fees, or fines at approved private
10 schools the school may withhold the student's official transcript, but
11 shall transmit information about the student's academic performance,
12 special placement, immunization records, records of disciplinary
13 action, and history of violent behavior or behavior listed in RCW
14 13.04.155. If the official transcript is not sent due to unpaid
15 tuition, fees, or fines, the enrolling school shall notify both the
16 student and parent or guardian that the official transcript will not be
17 sent until the obligation is met, and failure to have an official
18 transcript may result in exclusion from extracurricular activities or
19 failure to graduate.

20 (3) If information is requested under subsection (2) of this
21 section, the information shall be transmitted within two school days
22 after receiving the request and the records shall be sent as soon as
23 possible. Any school district or district employee who releases the
24 information in compliance with this section is immune from civil
25 liability for damages unless it is shown that the school district
26 employee acted with gross negligence or in bad faith. The ((state
27 board of education)) professional educator standards board shall
28 provide by rule for the discipline under chapter 28A.410 RCW of a
29 school principal or other chief administrator of a public school
30 building who fails to make a good faith effort to assure compliance
31 with this subsection.

32 (4) Any school district or district employee who releases the
33 information in compliance with federal and state law is immune from
34 civil liability for damages unless it is shown that the school district
35 or district employee acted with gross negligence or in bad faith.

36 (5) When a school receives information under this section or RCW
37 13.40.215 that a student has a history of disciplinary actions,
38 criminal or violent behavior, or other behavior that indicates the

1 student could be a threat to the safety of educational staff or other
2 students, the school shall provide this information to the student's
3 teachers and security personnel.

4 **Sec. 803.** RCW 28A.405.110 and 1985 c 420 s 1 are each amended to
5 read as follows:

6 The legislature recognizes the importance of teachers in the
7 educational system. Teachers are the fundamental element in assuring
8 a quality education for the state's and the nation's children.
9 Teachers, through their direct contact with children, have a great
10 impact on the development of the child. The legislature finds that
11 this important role of the teacher requires an assurance that teachers
12 are as successful as possible in attaining the goal of a well-educated
13 society. The legislature finds, therefore, that the evaluation of
14 those persons seeking to enter the teaching profession is no less
15 important than the evaluation of those persons currently teaching. The
16 evaluation of persons seeking teaching credentials should be strenuous
17 while making accommodations uniquely appropriate to the applicants.
18 Strenuous teacher training and preparation should be complemented by
19 examinations of prospective teachers prior to candidates being granted
20 official certification by the (~~state board of education~~) professional
21 educator standards board. Teacher preparation program entrance
22 evaluations, teacher training, teacher preparation program exit
23 examinations, official certification, in-service training, and ongoing
24 evaluations of individual progress and professional growth are all part
25 of developing and maintaining a strong precertification and
26 postcertification professional education system.

27 The legislature further finds that an evaluation system for
28 teachers has the following elements, goals, and objectives: (1) An
29 evaluation system must be meaningful, helpful, and objective; (2) an
30 evaluation system must encourage improvements in teaching skills,
31 techniques, and abilities by identifying areas needing improvement; (3)
32 an evaluation system must provide a mechanism to make meaningful
33 distinctions among teachers and to acknowledge, recognize, and
34 encourage superior teaching performance; and (4) an evaluation system
35 must encourage respect in the evaluation process by the persons
36 conducting the evaluations and the persons subject to the evaluations

1 through recognizing the importance of objective standards and
2 minimizing subjectivity.

3 **Sec. 804.** RCW 28A.415.010 and 1991 c 285 s 1 are each amended to
4 read as follows:

5 It shall be the responsibility of each educational service district
6 board to establish a center for the improvement of teaching. The
7 center shall administer, coordinate, and act as fiscal agent for such
8 programs related to the recruitment and training of certificated and
9 classified K-12 education personnel as may be delegated to the center
10 by the superintendent of public instruction under RCW 28A.310.470(~~(or~~
11 ~~the state board of education under RCW 28A.310.480))~~). To assist in
12 these activities, each educational service district board shall
13 establish an improvement of teaching coordinating council to include,
14 at a minimum, representatives as specified in RCW 28A.415.040. An
15 existing in-service training task force, established pursuant to RCW
16 28A.415.040, may serve as the improvement of teaching coordinating
17 council. The educational service district board shall ensure
18 coordination of programs established pursuant to RCW 28A.415.030,
19 28A.410.060, and 28A.415.250.

20 The educational service district board may arrange each year for
21 the holding of one or more teachers' institutes and/or workshops for
22 professional staff preparation and in-service training in such manner
23 and at such time as the board believes will be of benefit to the
24 teachers and other professional staff of school districts within the
25 educational service district and shall comply with rules (~~and~~
26 ~~regulations of the state board of education~~) of the professional
27 educator standards board pursuant to RCW 28A.410.060 or the
28 superintendent of public instruction (~~or state board of education~~)
29 pursuant to RCW 28A.415.250. The board may provide such additional
30 means of teacher and other professional staff preparation and in-
31 service training as it may deem necessary or appropriate and there
32 shall be a proper charge against the educational service district
33 general expense fund when approved by the educational service district
34 board.

35 Educational service district boards of contiguous educational
36 service districts, by mutual arrangements, may hold joint institutes
37 and/or workshops, the expenses to be shared in proportion to the

1 numbers of certificated personnel as shown by the last annual reports
2 of the educational service districts holding such joint institutes or
3 workshops.

4 In local school districts employing more than one hundred teachers
5 and other professional staff, the school district superintendent may
6 hold a teachers' institute of one or more days in such district, said
7 institute when so held by the school district superintendent to be in
8 all respects governed by the provisions of this title and (~~state board~~
9 ~~of education~~) rules (~~and regulations~~) relating to teachers'
10 institutes held by educational service district superintendents.

11 **Sec. 805.** RCW 28A.415.020 and 1995 c 284 s 2 are each amended to
12 read as follows:

13 (1) Certificated personnel shall receive for each ten clock hours
14 of approved in-service training attended the equivalent of a one credit
15 college quarter course on the salary schedule developed by the
16 legislative evaluation and accountability program committee.

17 (2) Certificated personnel shall receive for each ten clock hours
18 of approved continuing education earned, as continuing education is
19 defined by rule adopted by the (~~state board of education~~)
20 professional educator standards board, the equivalent of a one credit
21 college quarter course on the salary schedule developed by the
22 legislative evaluation and accountability program committee.

23 (3) Certificated personnel shall receive for each forty clock hours
24 of participation in an approved internship with a business, an
25 industry, or government, as an internship is defined by rule of the
26 (~~state board of education~~) professional educator standards board in
27 accordance with RCW 28A.415.025, the equivalent of a one credit college
28 quarter course on the salary schedule developed by the legislative
29 evaluation and accountability program committee.

30 (4) An approved in-service training program shall be a program
31 approved by a school district board of directors, which meet standards
32 adopted by the (~~state board of education~~) professional educator
33 standards board, and the development of said program has been
34 participated in by an in-service training task force whose membership
35 is the same as provided under RCW 28A.415.040, or a program offered by
36 an education agency approved to provide in-service for the purposes of

1 continuing education as provided for under rules adopted by the (~~state~~
2 ~~board of education~~) professional educator standards board, or both.

3 (5) Clock hours eligible for application to the salary schedule
4 developed by the legislative evaluation and accountability program
5 committee as described in subsections (1) and (2) of this section,
6 shall be those hours acquired after August 31, 1987. Clock hours
7 eligible for application to the salary schedule as described in
8 subsection (3) of this section shall be those hours acquired after
9 December 31, 1995.

10 **Sec. 806.** RCW 28A.415.024 and 2005 c 461 s 1 are each amended to
11 read as follows:

12 (1) All credits earned in furtherance of degrees earned by
13 certificated staff, that are used to increase earnings on the salary
14 schedule consistent with RCW 28A.415.023, must be obtained from an
15 educational institution accredited by an accrediting association
16 recognized by rule of the (~~state board of education~~) professional
17 educator standards board.

18 (2) The office of the superintendent of public instruction shall
19 verify for school districts the accreditation status of educational
20 institutions granting degrees that are used by certificated staff to
21 increase earnings on the salary schedule consistent with RCW
22 28A.415.023.

23 (3) The office of the superintendent of public instruction shall
24 provide school districts with training and additional resources to
25 ensure they can verify that degrees earned by certificated staff, that
26 are used to increase earnings on the salary schedule consistent with
27 RCW 28A.415.023, are obtained from an educational institution
28 accredited by an accrediting association recognized by rule of the
29 (~~state board of education~~) professional educator standards board.

30 (4)(a) No school district may submit degree information before
31 there has been verification of accreditation under subsection (3) of
32 this section.

33 (b) Certificated staff who submit degrees received from an
34 unaccredited educational institution for the purposes of receiving a
35 salary increase shall be fined three hundred dollars. The fine shall
36 be paid to the office of the superintendent of public instruction and
37 used for costs of administering this section.

1 (c) In addition to the fine in (b) of this subsection, certificated
2 staff who receive salary increases based upon degrees earned from
3 educational institutions that have been verified to be unaccredited
4 must reimburse the district for any compensation received based on
5 these degrees.

6 **Sec. 807.** RCW 28A.415.025 and 1995 c 284 s 3 are each amended to
7 read as follows:

8 The (~~state board of education~~) professional educator standards
9 board shall establish rules for awarding clock hours for participation
10 of certificated personnel in internships with business, industry, or
11 government. To receive clock hours for an internship, the individual
12 must demonstrate that the internship will provide beneficial skills and
13 knowledge in an area directly related to his or her current assignment,
14 or to his or her assignment for the following school year. An
15 individual may not receive more than the equivalent of two college
16 quarter credits for internships during a calendar-year period. The
17 total number of credits for internships that an individual may earn to
18 advance on the salary schedule developed by the legislative evaluation
19 and accountability program committee or its successor agency is limited
20 to the equivalent of fifteen college quarter credits.

21 **Sec. 808.** RCW 28A.415.105 and 1995 c 335 s 403 are each amended to
22 read as follows:

23 Unless the context clearly requires otherwise, the definitions in
24 this section apply throughout RCW 28A.415.125 through 28A.415.140.

25 (1) "Cooperating organizations" means that at least one school
26 district, one college or university, and one educational service
27 district are involved jointly with the development of a student
28 teaching center.

29 (2) "Cooperating teacher" means a teacher who holds a continuing
30 certificate and supervises and coaches a student teacher.

31 (3) "Field experience" means opportunities for observation,
32 tutoring, microteaching, extended practicums, and clinical and
33 laboratory experiences which do not fall within the meaning of student
34 teaching.

35 (4) "School setting" means a classroom in a public, common school
36 in the state of Washington.

1 (5) "Student teacher" means a candidate for initial teacher
2 certification who is in a (~~state board of education approved~~)
3 professional educator standards board-approved, or regionally or
4 nationally accredited teacher preparation program in a school setting
5 as part of the field-based component of their preparation program.

6 (6) "Student teaching" means the full quarter or semester in a
7 school setting during which the student teacher observes the
8 cooperating teacher, participates in instructional activities, and
9 assumes both part-time and full-time teaching responsibilities under
10 the supervision of the cooperating teacher.

11 (7) "Student teaching center" means the program established to
12 provide student teachers in a geographic region of the state with
13 special support and training as part of their teacher preparation
14 program.

15 (8) "Supervisor or university supervisor" means the regular or
16 adjunct faculty member, or college or university-approved designee, who
17 assists and supervises the work of cooperating teachers and student
18 teachers.

19 **Sec. 809.** RCW 28A.415.125 and 1991 c 258 s 6 are each amended to
20 read as follows:

21 The (~~state board of education~~) professional educator standards
22 board, from appropriated funds, shall establish a network of student
23 teaching centers to support the continuing development of the field-
24 based component of teacher preparation programs. The purpose of the
25 training centers is to:

26 (1) Expand opportunities for student teacher placements in school
27 districts statewide, with an emphasis on those populations and
28 locations that are unserved or underserved;

29 (2) Provide cooperating teachers for all student teachers during
30 their student internship for up to two academic quarters;

31 (3) Enhance the student teaching component of teacher preparation
32 programs, including a placement of student teachers in special
33 education and multi-ethnic school settings; and

34 (4) Expand access to each other and opportunities for collaboration
35 in teacher education between colleges and universities and school
36 districts.

1 **Sec. 810.** RCW 28A.415.130 and 1991 c 258 s 7 are each amended to
2 read as follows:

3 Funds for the student teaching centers shall be allocated by the
4 superintendent of public instruction among the educational service
5 district regions on the basis of student teaching placements. The
6 fiscal agent for each center shall be either an educational service
7 district or a state institution of higher education. Prospective
8 fiscal agents shall document to the (~~state board of education~~)
9 professional educator standards board the following information:

10 (1) The existing or proposed center was developed jointly through
11 a process including participation by at least one school district, one
12 college or university, and one educational service district;

13 (2) Primary administration for each center shall be the
14 responsibility of one or more of the cooperating organizations;

15 (3) Assurance that the training center program provides appropriate
16 and necessary training in observation, supervision, and assistance
17 skills and techniques for:

18 (a) Cooperating teachers;

19 (b) Other school building personnel; and

20 (c) School district employees.

21 **Sec. 811.** RCW 28A.415.145 and 1991 c 258 s 10 are each amended to
22 read as follows:

23 The (~~state board of education~~) professional educator standards
24 board and the superintendent of public instruction shall adopt rules as
25 necessary under chapter 34.05 RCW to carry out the purposes of RCW
26 28A.415.100 through 28A.415.140.

27 **Sec. 812.** RCW 28A.630.400 and 1995 c 335 s 202 and 1995 c 77 s 27
28 are each reenacted and amended to read as follows:

29 (1) The (~~state board of education~~) professional educator
30 standards board and the state board for community and technical
31 colleges, in consultation with the superintendent of public
32 instruction, the higher education coordinating board, the state
33 apprenticeship training council, and community colleges, shall adopt
34 rules as necessary under chapter 34.05 RCW to implement the
35 paraeducator associate of arts degree.

1 (2) As used in this section, a "paraeducator" is an individual who
2 has completed an associate of arts degree for a paraeducator. The
3 paraeducator may be hired by a school district to assist certificated
4 instructional staff in the direct instruction of children in small and
5 large groups, individualized instruction, testing of children,
6 recordkeeping, and preparation of materials. The paraeducator shall
7 work under the direction of instructional certificated staff.

8 (3) The training program for a paraeducator associate of arts
9 degree shall include, but is not limited to, the general requirements
10 for receipt of an associate of arts degree and training in the areas of
11 introduction to childhood education, orientation to children with
12 disabilities, fundamentals of childhood education, creative activities
13 for children, instructional materials for children, fine art
14 experiences for children, the psychology of learning, introduction to
15 education, child health and safety, child development and guidance,
16 first aid, and a practicum in a school setting.

17 (4) Consideration shall be given to transferability of credit
18 earned in this program to teacher preparation programs at colleges and
19 universities.

20 **Sec. 813.** RCW 28A.660.040 and 2004 c 23 s 4 are each amended to
21 read as follows:

22 Partnership grants funded under this chapter shall operate one to
23 four specific route programs. Successful completion of the program
24 shall make a candidate eligible for residency teacher certification.
25 For route one and two candidates, the mentor of the teacher candidate
26 at the school and the supervisor of the teacher candidate from the
27 higher education teacher preparation program must both agree that the
28 teacher candidate has successfully completed the program. For route
29 three and four candidates, the mentor of the teacher candidate shall
30 make the determination that the candidate has successfully completed
31 the program.

32 (1) Partnership grant programs seeking funds to operate route one
33 programs shall enroll currently employed classified instructional
34 employees with transferable associate degrees seeking residency teacher
35 certification with endorsements in special education, bilingual
36 education, or English as a second language. It is anticipated that
37 candidates enrolled in this route will complete both their

1 baccalaureate degree and requirements for residency certification in
2 two years or less, including a mentored internship to be completed in
3 the final year. In addition, partnership programs shall uphold entry
4 requirements for candidates that include:

5 (a) District or building validation of qualifications, including
6 three years of successful student interaction and leadership as a
7 classified instructional employee;

8 (b) Successful passage of the statewide basic skills exam, when
9 available; and

10 (c) Meeting the age, good moral character, and personal fitness
11 requirements adopted by rule for teachers.

12 (2) Partnership grant programs seeking funds to operate route two
13 programs shall enroll currently employed classified staff with
14 baccalaureate degrees seeking residency teacher certification in
15 subject matter shortage areas and areas with shortages due to
16 geographic location. Candidates enrolled in this route must complete
17 a mentored internship complemented by flexibly scheduled training and
18 coursework offered at a local site, such as a school or educational
19 service district, or online or via video-conference over the K-20
20 network, in collaboration with the partnership program's higher
21 education partner. In addition, partnership grant programs shall
22 uphold entry requirements for candidates that include:

23 (a) District or building validation of qualifications, including
24 three years of successful student interaction and leadership as
25 classified staff;

26 (b) A baccalaureate degree from a regionally accredited institution
27 of higher education. The individual's college or university grade
28 point average may be considered as a selection factor;

29 (c) Successful completion of the content test, once the state
30 content test is available;

31 (d) Meeting the age, good moral character, and personal fitness
32 requirements adopted by rule for teachers; and

33 (e) Successful passage of the statewide basic skills exam, when
34 available.

35 (3) Partnership grant programs seeking funds to operate route three
36 programs shall enroll individuals with baccalaureate degrees, who are
37 not employed in the district at the time of application. When
38 selecting candidates for certification through route three, districts

1 shall give priority to individuals who are seeking residency teacher
2 certification in subject matter shortage areas or shortages due to
3 geographic locations. For route three only, the districts may include
4 additional candidates in nonshortage subject areas if the candidates
5 are seeking endorsements with a secondary grade level designation as
6 defined by rule by the (~~state board of education~~) professional
7 educator standards board. The districts shall disclose to candidates
8 in nonshortage subject areas available information on the demand in
9 those subject areas. Cohorts of candidates for this route shall attend
10 an intensive summer teaching academy, followed by a full year employed
11 by a district in a mentored internship, followed, if necessary, by a
12 second summer teaching academy. In addition, partnership programs
13 shall uphold entry requirements for candidates that include:

- 14 (a) Five years' experience in the work force;
- 15 (b) A baccalaureate degree from a regionally accredited institution
16 of higher education. The individual's grade point average may be
17 considered as a selection factor;
- 18 (c) Successful completion of the content test, once the state
19 content test is available;
- 20 (d) External validation of qualifications, including demonstrated
21 successful experience with students or children, such as (~~references~~
22 ~~{reference}~~) reference letters and letters of support from previous
23 employers;
- 24 (e) Meeting the age, good moral character, and personal fitness
25 requirements adopted by rule for teachers; and
- 26 (f) Successful passage of statewide basic skills exams, when
27 available.

28 (4) Partnership grant programs seeking funds to operate route four
29 programs shall enroll individuals with baccalaureate degrees, who are
30 employed in the district at the time of application, or who hold
31 conditional teaching certificates or emergency substitute certificates.
32 Cohorts of candidates for this route shall attend an intensive summer
33 teaching academy, followed by a full year employed by a district in a
34 mentored internship. In addition, partnership programs shall uphold
35 entry requirements for candidates that include:

- 36 (a) Five years' experience in the work force;
- 37 (b) A baccalaureate degree from a regionally accredited institution

1 of higher education. The individual's grade point average may be
2 considered as a selection factor;

3 (c) Successful completion of the content test, once the state
4 content test is available;

5 (d) External validation of qualifications, including demonstrated
6 successful experience with students or children, such as reference
7 letters and letters of support from previous employers;

8 (e) Meeting the age, good moral character, and personal fitness
9 requirements adopted by rule for teachers; and

10 (f) Successful passage of statewide basic skills exams, when
11 available.

12 **Sec. 814.** RCW 28A.690.020 and 1990 c 33 s 546 are each amended to
13 read as follows:

14 The "designated state official" for this state under Article II of
15 RCW 28A.690.010 shall be the superintendent of public instruction, who
16 shall be the compact administrator and who shall have power to
17 (~~promulgate~~) adopt rules to carry out the terms of this compact. The
18 superintendent of public instruction shall enter into contracts
19 pursuant to Article III of the Agreement only with the approval of the
20 specific text thereof by the (~~state board of education~~) professional
21 educator standards board.

22 **Sec. 815.** RCW 28A.300.050 and 1990 c 33 s 252 are each amended to
23 read as follows:

24 The superintendent of public instruction shall provide technical
25 assistance to the (~~state board of education~~) professional educator
26 standards board in the conduct of the activities described in
27 (~~sections 202 through 232 of this act~~) RCW 28A.410.040 and
28 28A.410.050.

29 **Sec. 816.** RCW 28A.625.370 and 1990 1st ex.s. c 10 s 3 are each
30 amended to read as follows:

31 The award for the teacher educator shall include:
32 (1) A certificate presented to the teacher educator by the
33 governor, the (~~president of the state board of education~~) chair of
34 the professional educator standards board, and the superintendent of
35 public instruction at a public ceremony; and

1 (2) A grant to the professional education advisory board of the
2 institution from which the teacher educator is selected, which grant
3 shall not exceed two thousand five hundred dollars and which grant
4 shall be awarded under RCW 28A.625.390.

5 **Sec. 817.** RCW 28A.625.380 and 1990 1st ex.s. c 10 s 4 are each
6 amended to read as follows:

7 The (~~state board of education~~) professional educator standards
8 board shall adopt rules under chapter 34.05 RCW to carry out the
9 purposes of RCW 28A.625.360 through 28A.625.390. These rules shall
10 include establishing the selection criteria for the Washington award
11 for excellence in teacher preparation. The (~~state~~) board (~~of~~
12 ~~education~~) is encouraged to consult with teacher educators, deans, and
13 professional education advisory board members in developing the
14 selection criteria. The criteria shall include any role performed by
15 nominees relative to implementing innovative developments by the
16 nominee's teacher preparation program and efforts the nominee has made
17 to assist in communicating with legislators, common school teachers and
18 administrators, and others about the nominee's teacher preparation
19 program.

20 **Sec. 818.** RCW 28A.625.390 and 1990 1st ex.s. c 10 s 5 are each
21 amended to read as follows:

22 The professional education advisory board for the institution from
23 which the teacher educator has been selected to receive an award shall
24 be eligible to apply for an educational grant as provided under RCW
25 28A.625.370. The (~~state board of education~~) professional educator
26 standards board shall award the grant after the (~~state~~) board has
27 approved the grant application as long as the written grant application
28 is submitted to the (~~state~~) board within one year after the award is
29 received by the teacher educator. The grant application shall identify
30 the educational purpose toward which the grant shall be used.

31 **PART 9**
32 **OTHER DUTIES**

33 **Sec. 901.** RCW 28A.600.010 and 1997 c 265 s 4 are each amended to
34 read as follows:

1 Every board of directors, unless otherwise specifically provided by
2 law, shall:

3 (1) Enforce the rules prescribed by the superintendent of public
4 instruction (~~((and the state board of education))~~) for the government of
5 schools, pupils, and certificated employees.

6 (2) Adopt and make available to each pupil, teacher and parent in
7 the district reasonable written rules regarding pupil conduct,
8 discipline, and rights, including but not limited to short-term
9 suspensions as referred to in RCW 28A.305.160 (as recodified by this
10 act) and suspensions in excess of ten consecutive days. Such rules
11 shall not be inconsistent with any of the following: Federal statutes
12 and regulations, state statutes, common law, and the rules of the
13 superintendent of public instruction(~~(, and the state board of~~
14 ~~education))~~). The board's rules shall include such substantive and
15 procedural due process guarantees as prescribed by the (~~(state board of~~
16 ~~education))~~ superintendent of public instruction under RCW 28A.305.160
17 (as recodified by this act). (~~(Commencing with the 1976-77 school~~
18 ~~year,~~) When such rules are made available to each pupil, teacher, and
19 parent, they shall be accompanied by a detailed description of rights,
20 responsibilities, and authority of teachers and principals with respect
21 to the discipline of pupils as prescribed by state statutory law, the
22 superintendent of public instruction, (~~(and state board of education~~
23 ~~rules))~~) and the rules (~~(and regulations))~~) of the school district.

24 For the purposes of this subsection, computation of days included
25 in "short-term" and "long-term" suspensions shall be determined on the
26 basis of consecutive school days.

27 (3) Suspend, expel, or discipline pupils in accordance with RCW
28 28A.305.160 (as recodified by this act).

29 NEW SECTION. Sec. 902. A new section is added to chapter 28A.405
30 RCW to read as follows:

31 Each school district board of directors shall adopt a policy
32 regarding the presence at their respective schools of teachers and
33 other certificated personnel before the opening of school in the
34 morning and after the closing of school in the afternoon or evening.
35 The board of directors shall make the policy available to parents and
36 the public through the school district report card and other means of
37 communication.

1 **Sec. 903.** RCW 28A.225.280 and 1990 1st ex.s. c 9 s 206 are each
2 amended to read as follows:

3 Eligibility of transfer students under RCW 28A.225.220 and
4 28A.225.225 for participation in extracurricular activities shall be
5 subject to rules adopted by the Washington interscholastic activities
6 association as authorized by the (~~state board of education~~)
7 superintendent of public instruction.

8 **Sec. 904.** RCW 28A.600.200 and 1990 c 33 s 502 are each amended to
9 read as follows:

10 Each school district board of directors is hereby granted and shall
11 exercise the authority to control, supervise and regulate the conduct
12 of interschool athletic activities and other interschool
13 extracurricular activities of an athletic, cultural, social or
14 recreational nature for students of the district. A board of directors
15 may delegate control, supervision and regulation of any such activity
16 to the Washington interscholastic activities association or any other
17 voluntary nonprofit entity and compensate such entity for services
18 provided, subject to the following conditions:

19 (1) The voluntary nonprofit entity shall submit an annual report to
20 the state board of education of student appeal determinations, assets,
21 and financial receipts and disbursements at such time and in such
22 detail as the (~~state board~~) superintendent of public instruction
23 shall establish by rule;

24 (2) The voluntary nonprofit entity shall not discriminate in
25 connection with employment or membership upon its governing board, or
26 otherwise in connection with any function it performs, on the basis of
27 race, creed, national origin, sex or marital status;

28 (3) Any rules and policies applied by the voluntary nonprofit
29 entity which govern student participation in any interschool activity
30 shall be written and subject to the annual review and approval of the
31 state board of education at such time as it shall establish;

32 (4) All amendments and repeals of such rules and policies shall be
33 subject to the review and approval of the (~~state board~~)
34 superintendent of public instruction; and

35 (5) Such rules and policies shall provide for notice of the reasons
36 and a fair opportunity to contest such reasons prior to a final
37 determination to reject a student's request to participate in or to

1 continue in an interschool activity. Any such decision shall be
2 considered a decision of the school district conducting the activity in
3 which the student seeks to participate or was participating and may be
4 appealed pursuant to RCW 28A.645.010 through 28A.645.030.

5 **Sec. 905.** RCW 28A.160.100 and 1990 c 33 s 138 are each amended to
6 read as follows:

7 In addition to the authority otherwise provided in RCW 28A.160.010
8 through 28A.160.120 to school districts for the transportation of
9 persons, whether school children, school personnel, or otherwise, any
10 school district authorized to use school buses and drivers hired by the
11 district for the transportation of school children to and from a school
12 activity, along with such school employees as necessary for their
13 supervision, shall, if such school activity be an interscholastic
14 activity, be authorized to transport members of the general public to
15 such event and utilize the school district's buses, transportation
16 equipment and facilities, and employees therefor: PROVIDED, That
17 provision shall be made for the reimbursement and payment to the school
18 district by such members of the general public of not less than the
19 district's actual costs and the reasonable value of the use of the
20 district's buses and facilities provided in connection with such
21 transportation: PROVIDED FURTHER, That wherever private transportation
22 certified or licensed by the utilities and transportation commission or
23 public transportation is reasonably available (~~(as determined by rule
24 and regulation of the state board of education)~~), this section shall
25 not apply.

26 **Sec. 906.** RCW 28A.210.070 and 1990 c 33 s 191 are each amended to
27 read as follows:

28 As used in RCW 28A.210.060 through 28A.210.170:

29 (1) "Chief administrator" shall mean the person with the authority
30 and responsibility for the immediate supervision of the operation of a
31 school or day care center as defined in this section or, in the
32 alternative, such other person as may hereafter be designated in
33 writing for the purposes of RCW 28A.210.060 through 28A.210.170 by the
34 statutory or corporate board of directors of the school district,
35 school, or day care center or, if none, such other persons or person

1 with the authority and responsibility for the general supervision of
2 the operation of the school district, school or day care center.

3 (2) "Full immunization" shall mean immunization against certain
4 vaccine-preventable diseases in accordance with schedules and with
5 immunizing agents approved by the state board of health.

6 (3) "Local health department" shall mean the city, town, county,
7 district or combined city-county health department, board of health, or
8 health officer which provides public health services.

9 (4) "School" shall mean and include each building, facility, and
10 location at or within which any or all portions of a preschool,
11 kindergarten and grades one through twelve program of education and
12 related activities are conducted for two or more children by or in
13 behalf of any public school district and by or in behalf of any private
14 school or private institution subject to approval by the state board of
15 education pursuant to RCW 28A.305.130(~~(+6)~~), 28A.195.010 through
16 28A.195.050, and 28A.410.120.

17 (5) "Day care center" shall mean an agency which regularly provides
18 care for a group of thirteen or more children for periods of less than
19 twenty-four hours and is licensed pursuant to chapter 74.15 RCW.

20 (6) "Child" shall mean any person, regardless of age, in attendance
21 at a public or private school or a licensed day care center.

22 **Sec. 907.** RCW 28A.210.160 and 1990 c 33 s 199 are each amended to
23 read as follows:

24 The state board of (~~(education)~~) health shall and is hereby
25 empowered to adopt rules pursuant to chapter 34.05 RCW which establish
26 the procedural and substantive due process requirements governing the
27 exclusion of children from public and private schools pursuant to RCW
28 28A.210.120.

29 **Sec. 908.** RCW 28A.335.100 and 1975-'76 2nd ex.s. c 23 s 1 are each
30 amended to read as follows:

31 Any association established by school districts pursuant to the
32 interlocal cooperation act, chapter 39.34 RCW for the purpose of
33 jointly and cooperatively purchasing school supplies, materials and
34 equipment, if otherwise authorized for school district purposes to
35 purchase personal or real property, is (~~(hereby)~~) authorized(~~(, subject~~
36 ~~to rules and regulations of the state board of education,~~) to

1 mortgage, or convey a purchase money security interest in real or
2 personal property of such association of every kind, character or
3 description whatsoever, or any interest in such personal or real
4 property: PROVIDED, That any such association shall be prohibited from
5 causing any creditor of the association to acquire any rights against
6 the property, properties or assets of any of its constituent school
7 districts and any creditor of such association shall be entitled to
8 look for payment of any obligation incurred by such association solely
9 to the assets and properties of such association.

10 **Sec. 909.** RCW 28A.335.120 and 2001 c 183 s 2 are each amended to
11 read as follows:

12 (1) The board of directors of any school district of this state
13 may:

14 (a) Sell for cash, at public or private sale, and convey by deed
15 all interest of the district in or to any of the real property of the
16 district which is no longer required for school purposes; and

17 (b) Purchase real property for the purpose of locating thereon and
18 affixing thereto any house or houses and appurtenant buildings removed
19 from school sites owned by the district and sell for cash, at public or
20 private sale, and convey by deed all interest of the district in or to
21 such acquired and improved real property.

22 (2) When the board of directors of any school district proposes a
23 sale of school district real property pursuant to this section and the
24 value of the property exceeds seventy thousand dollars, the board shall
25 publish a notice of its intention to sell the property. The notice
26 shall be published at least once each week during two consecutive weeks
27 in a legal newspaper with a general circulation in the area in which
28 the school district is located. The notice shall describe the property
29 to be sold and designate the place where and the day and hour when a
30 hearing will be held. The board shall hold a public hearing upon the
31 proposal to dispose of the school district property at the place and
32 the day and hour fixed in the notice and admit evidence offered for and
33 against the propriety and advisability of the proposed sale.

34 (3) The board of directors of any school district desiring to sell
35 surplus real property shall publish a notice in a newspaper of general
36 circulation in the school district. School districts shall not sell

1 the property for at least forty-five days following the publication of
2 the newspaper notice.

3 (4) Private schools shall have the same rights as any other person
4 or entity to submit bids for the purchase of surplus real property and
5 to have such bids considered along with all other bids.

6 (5) Any sale of school district real property authorized pursuant
7 to this section shall be preceded by a market value appraisal by a
8 professionally designated real estate appraiser as defined in RCW
9 74.46.020 or a general real estate appraiser certified under chapter
10 18.140 RCW selected by the board of directors and no sale shall take
11 place if the sale price would be less than ninety percent of the
12 appraisal made by the real estate appraiser: PROVIDED, That if the
13 property has been on the market for one year or more the property may
14 be reappraised and sold for not less than seventy-five percent of the
15 reappraised value with the unanimous consent of the board.

16 (6) If in the judgment of the board of directors of any district
17 the sale of real property of the district not needed for school
18 purposes would be facilitated and greater value realized through use of
19 the services of licensed real estate brokers, a contract for such
20 services may be negotiated and concluded: PROVIDED, That the use of a
21 licensed real estate broker will not eliminate the obligation of the
22 board of directors to provide the notice described in this section:
23 PROVIDED FURTHER, That the fee or commissions charged for any broker
24 services shall not exceed seven percent of the resulting sale value for
25 a single parcel: PROVIDED FURTHER, That any professionally designated
26 real estate appraiser as defined in RCW 74.46.020 or a general real
27 estate appraiser certified under chapter 18.140 RCW selected by the
28 board to appraise the market value of a parcel of property to be sold
29 may not be a party to any contract with the school district to sell
30 such parcel of property for a period of three years after the
31 appraisal.

32 (7) If in the judgment of the board of directors of any district
33 the sale of real property of the district not needed for school
34 purposes would be facilitated and greater value realized through sale
35 on contract terms, a real estate sales contract may be executed between
36 the district and buyer(~~:- PROVIDED, That the terms and conditions of~~
37 ~~any such sales contract must comply with rules and regulations of the~~

1 ~~state board of education, herein authorized, governing school district~~
2 ~~real property contract sales~~)).

3 **Sec. 910.** RCW 28A.320.240 and 1969 ex.s. c 223 s 28A.58.104 are
4 each amended to read as follows:

5 (1) The purpose of this section is to identify quality criteria for
6 school library media programs that support the student learning goals
7 under RCW 28A.150.210, the essential academic learning requirements
8 under RCW 28A.655.070, and high school graduation requirements adopted
9 under RCW 28A.230.090.

10 (2) Every board of directors shall provide for the operation and
11 stocking of such libraries as the board deems necessary for the proper
12 education of the district's students or as otherwise required by law or
13 rule ((~~or regulation~~)) of the superintendent of public instruction ((~~or~~
14 ~~the state board of education~~)).

15 (3) "Teacher-librarian" means a certified teacher with a library
16 media endorsement under rules adopted by the professional educator
17 standards board.

18 (4) "School-library media program" means a school-based program
19 that is staffed by a certificated teacher-librarian and provides a
20 variety of resources that support student mastery of the essential
21 academic learning requirements in all subject areas and the
22 implementation of the district's school improvement plan.

23 (5) The teacher-librarian, through the school-library media
24 program, shall collaborate as an instructional partner to help all
25 students meet the content goals in all subject areas, and assist high
26 school students completing the culminating project and high school and
27 beyond plans required for graduation.

28 **Sec. 911.** RCW 28A.155.060 and 1995 c 77 s 12 are each amended to
29 read as follows:

30 For the purpose of carrying out the provisions of RCW 28A.155.020
31 through 28A.155.050, the board of directors of every school district
32 shall be authorized to contract with agencies approved by the ((~~state~~
33 board of education)) superintendent of public instruction for operating
34 special education programs for students with disabilities. Approval
35 standards for such agencies shall conform substantially with those

1 promulgated for approval of special education aid programs in the
2 common schools.

3 **Sec. 912.** RCW 28A.600.130 and 1995 1st sp.s. c 5 s 1 are each
4 amended to read as follows:

5 The higher education coordinating board shall establish a planning
6 committee to develop criteria for screening and selection of the
7 Washington scholars each year in accordance with RCW 28A.600.110(1).
8 It is the intent that these criteria shall emphasize scholastic
9 achievement but not exclude such criteria as leadership ability and
10 community contribution in final selection procedures. The Washington
11 scholars planning committee shall have members from selected state
12 agencies and private organizations having an interest and
13 responsibility in education, including but not limited to, the ((state
14 board of education, the)) office of superintendent of public
15 instruction, the council of presidents, the state board for community
16 and technical colleges, and the Washington friends of higher education.

17 **Sec. 913.** RCW 28A.650.015 and 1995 c 335 s 507 are each amended to
18 read as follows:

19 (1) The superintendent of public instruction, to the extent funds
20 are appropriated, shall develop and implement a Washington state K-12
21 education technology plan. The technology plan shall be updated on at
22 least a biennial basis, shall be developed to coordinate and expand the
23 use of education technology in the common schools of the state. The
24 plan shall be consistent with applicable provisions of chapter 43.105
25 RCW. The plan, at a minimum, shall address:

26 (a) The provision of technical assistance to schools and school
27 districts for the planning, implementation, and training of staff in
28 the use of technology in curricular and administrative functions;

29 (b) The continued development of a network to connect school
30 districts, institutions of higher learning, and other sources of on-
31 line information; and

32 (c) Methods to equitably increase the use of education technology
33 by students and school personnel throughout the state.

34 (2) The superintendent of public instruction shall appoint an
35 educational technology advisory committee to assist in the development
36 and implementation of the technology plan in subsection (1) of this

1 section. The committee shall include, but is not limited to, persons
2 representing: The (~~state board of education, the commission on~~
3 ~~student learning, the~~) department of information services, educational
4 service districts, school directors, school administrators, school
5 principals, teachers, classified staff, higher education faculty,
6 parents, students, business, labor, scientists and mathematicians, the
7 higher education coordinating board, the work force training and
8 education coordinating board, and the state library.

9 **PART 10**
10 **MISCELLANEOUS**

11 NEW SECTION. **Sec. 1001.** Part headings used in this act are not
12 any part of the law.

13 NEW SECTION. **Sec. 1002.** Section 406 of this act takes effect
14 September 1, 2009.

--- END ---